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*from the Author*  
*His friend*  
*May 3 1787*

THE  
RIGHT  
OF THE  
BRITISH LEGISLATURE  
TO TAX THE  
AMERICAN COLONIES  
VINDICATED;  
AND THE  
MEANS of ASSERTING that RIGHT  
PROPOSED.

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The SECOND EDITION, with ADDITIONS.

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Bonum Civem illum dicimus, qui jussu imperantium promptè  
paret, qui ad bonum publicum omnibus viribus connititur, ac  
post illud privatum bonum lubenter habet; imo qui nihil sibi  
bonum credit, nisi idem bonum quoque sit civitati; qui denique  
adversus alios cives commodum sese gerit.

PUFFEND. De Offic. Civis.

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L O N D O N:

Printed for T. BECKET, Corner of the ADELPHI,  
in the STRAND.

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MDCCCLXXV.

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*See Memoirs*

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THE  
RIGHT  
OF THE  
BRITISH LEGISLATURE, &c.

THE outrages and acts of violence, lately committed by some of the American colonies, on account of taxes imposed upon them by the British Legislature, seem to render it extremely requisite to examine the Right of that Legislature to impose those taxes; and to establish such principles as may not only ensure a dutiful obedience to government from those who now illegally resist, but may restore harmony and brotherly affection among British subjects, through every part of the British empire. All these disturbances among the colonists having been founded upon false systems of policy, systems directly contradictory to the principles of the British constitution, it may probably be a means of restoring, not only quiet to the colonies, but tranquillity to the minds of the colonists, to prove that they have never lost the happy state of free subjects; and that the acts of the mother-country regarding them, which they now complain of, are consistent with the fundamental

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mental principles of our constitution, erring only on the side of indulgence towards them. To illustrate these propositions, we must examine principles with precision, and not suffer ourselves to be led away with popular opinions, when those opinions can neither be grounded on the letter, nor on the spirit, of the British constitution at present subsisting.

A fundamental principle that has ever been regarded as such by all writers on government is, that in every civilized state there must be, somewhere, a Supreme all-controlling Power. In the British state this supreme power is by the constitution fixed in the united wills of the kings, lords, and representatives of the people in parliament assembled. Are the colonists subject to this supreme power? They themselves acknowledge that they are in every thing, excepting taxation. But the principles of our constitution, when fully understood, will, I believe, evidently prove, that the British parliament, composed of the three estates above mentioned, is supreme, not in one branch of legislation alone, but in all branches, in taxation as in every thing else, without any respect to the approbation or disapprobation of the individuals of the society over whom it presides, when their general welfare is visibly the object of its decrees. The colonists indeed contend, that the right of taxation in a free nation, such as ours, is always inherent in the individuals of the society, and that nothing can be done in regard to the imposing of taxes by the legislature itself, without the consent of those  
indivi-

individuals, or the consent of their actual representatives. In favour of this unconstitutional doctrine very few arguments have been alleged; but the assertors of it (however they may have vapoured in a tone of defiance,) have leaned the whole upon two or three general propositions, which, to every unclouded understanding, need only to be mentioned, to carry their own refutation along with them.

*It is in the very essence of a freeman, we are told, to dispose of his own property as he pleases. The law of nature, it is said, declares the fruits of every man's labour to be his own. Mr. Locke has affirmed (for some of his inadvertencies are quoted on the occasion,) that the supreme power cannot take from any one any part of his property, but by his own consent, otherwise he has no property at all;—for I have no property in that which another can by right take from me, when he pleases, against my consent. It is fit every one who enjoys a share of the protection of government, should pay out of his estate his proportion for maintaining it; but still it must be done by his own consent; that is, the consent of the majority, giving it either by themselves, or by their representatives chosen by themselves.*

The colonists have advanced those propositions as a most formidable phalanx in defence of the doctrine, that in a free state there can be no taxation but by personal assent, or actual representation. But if that doctrine has no other support than what it receives from those propositions, it must fall

fall to the ground, and be for ever abandoned; and were the freedom, or want of freedom, in our constitution to be judged of by it's conformity to those maxims, it must be declared one of the most slavish forms of government upon earth.

The first proposition, in one breath, destroys the pretensions of every British subject to liberty or legal freedom; for if it be *in the very essence of a freeman to dispose of his own property as he pleases*, there is not in that case a single free subject in Great Britain. Where is the noble, or commoner, that dare say, he can refuse paying a tax, when the legislature has ordained it? The essence of a freeman, that is, of a free subject, (for I speak of men united in society,) consists not in his being absolute master of his own property; for that no man in a state of society can be; but in his being governed by known and established laws, formed by the consent of a popular assembly; in his being tried by his peers; in being exempted from arbitrary imprisonment, and in other privileges, which the subjects of no government can boast of, but the subjects of the British government. What people were ever more jealous of their liberties than the people of Rome, during the virtuous times of their Republic? But did those free Republicans ever place the essence of their liberty in being taxed by their own consent? They had no such idea; and yet they gloried in being a free people; and are acknowledged to have been such by all those acquainted with their history. Among all the grievances of the people of Rome, we never hear

bear it stated as a grievance that they were taxed without their own consent. When one of the Tribunes of the people railed at the continuance of the siege of Veii during the winter, and wanted the army to be disbanded, and the Romans to return to their own City, it was, according to Livy, *usurpare libertatem, & creare magistratus*, to assume liberty, and elect magistrates. In the ideas of the Romans, those two phrases were of the same import. The commons of Rome, during the times of the republic, placed the essence of liberty in choosing their own magistrates; yet it was not even those magistrates elected by the people, who imposed the taxes. Taxes were imposed upon the Roman people by the Senate; and the first tax we read of, in the times of the free Republic, was in the year of the City 349. Livy tells us, *Nihil acceptum unquam a plebe tanto gaudio traditur*, Nothing is said to have been received by the common people with so much joy. *Patres bene ceptam rem perseverantur tueri*; the senators persevered in maintaining what was so happily begun; *Certamen conferendi est ortum*, a contest arose who should be the first that should pay. About two hundred years afterwards, that is, in the year of the City 535, when Annibal, with a victorious army, was in Italy, the same historian tells us, *Senatus quo die primum est in Capitolio consultus, decrevit ut eo anno duplex tributum imperaretur*; the Senate, the first day they assembled in the Capitol, decreed that the taxes should be doubled that year. This very people, while they were acquiescing in the taxes imposed by the Senate, as the constitutional

nal mode of taxation, claimed to themselves; and exercised, the privilege of declaring peace and war, of nominating ambassadors, with many other high prerogatives; and did not forget, even when they were enrolled in the legions, that they still were freemen. *Apud Romanos liberos, non servos militare*; Among the Romans freemen, and not slaves carry arms. We see then, from the most incontestible authority of authentic history, that one of the freest nations upon earth, and at the same time, one of the most enlightened, and one of the most impatient of any other subjection than what was acknowledged to be legal, did not esteem it the essence of a freeman, to give his consent either personally or by his direct representative, to the taxes, which the state required. The same opinion, in regard to the essence of his freedom, will be entertained by every British subject, who will take the pains candidly to examine the fundamental principles of our constitution, and the exercise of government, in every period of our history.

As to the second proposition, *That the law of nature declares the fruits of every man's labour to be his own*, I freely allow the truth of it; but I affirm, That the law of society declares directly the contrary. The British colonists, I hope, are not living in a state of nature. No; they have, ever since their first establishment, formed part of the state united under the English laws, and English constitution; and the fundamental principles of that constitution, though, perhaps, the freest in the world, restrain not only the colonists, but  
all



all other British subjects from many prerogatives that they might freely enjoy in a state of nature. It is a maxim with every civilian, “ Qui civis fit  
 “ libertatis naturalis jacturam facit, ac imperio  
 “ se subjicit, quod jus vitæ & necis complectitur,  
 “ & cujus jussu plurima facienda, abs quibus  
 “ quis alias abhorrebat, & omittenda quæ vehe-  
 “ menter appetebat.” That is, whoever becomes a citizen, resigns up his natural liberty, and subjects himself to a governing power, which includes the right of life and death; and at whose command he must consent to do many things which he greatly dislikes, and abstain from many things which he eagerly desires. Puffend. de Offic. Civis, l. ii. c. 5. Therefore, in place of this second proposition, applicable only to people living without a law of union, I will venture to substitute another, *That in Civil Society no man has a right to a farthing of property till the wants of the state be supplied.* And all that our Forefathers fought for, was, That the King, or the Executive Power, should not be the Judge of those wants; but the three estates of Parliament, with whom the sovereign Power was lodged.

How weak and how inconclusive must the propositions of Mr. Locke now appear! The supreme power, he says, cannot take from any one any part of his property, but by his own consent, otherwise he has no property at all. Here we have a false conclusion from false premises. According to the premises there is not a supreme power on earth, but what is iniquitous and unjust; for tho’

taxation in every state is nearly universal, we shall no where find that the assent is universal. A coercive right over the wills of individuals, we have seen, is in the very essence of a supreme power; and, indeed, if any individual had a right to refuse his assent to what the supreme power ordained, he would be supreme over the supreme, which implies a contradiction. I do not mean, however, that the supreme power in any state has no limitations; for if it ordains things contrary to the laws of God, or manifestly destructive of the society over which it presides, it ordains what it has no authority to ordain, consequently its statutes are void, and individuals may disobey; not that they have any inherent right over the enacting power; but, because, in fact, nothing has been enacted, when an iniquitous statute has been promulgated.

The weakness and fallacy of Mr. Locke's argument, appear from the absurdity of his conclusion. No part of the subject's property, he says, can be taken from him by the supreme power, but by his own consent, *otherwise* he has no property at all; that is, if the supreme power has a right to some part, it has a right to the whole of a subject's property, which is a sophism of such a gross construction, that the meereft novice in logic would be ashamed of it; and is the same thing in point of reasoning, as if he had said, some heat is agreeable to the human body; *therefore*, the highest degree of heat would not be disagreeable; or losing a little blood, is sometimes good for the patient; *therefore*, losing the whole blood,

will

will still be better for the patient; or, the supreme power has a right to protect, *therefore* it has a right to destroy. Every reader will perceive, that these are downright absurdities, yet they are direct parodies of the argument of Mr. Locke, upon which the seditious have leaned their faith as securely, and as blindly, as the Romanists lean their belief upon the infallibility of the Bishop of Rome. But it is an allowed maxim, in all sound reasoning, *a particulari ad universale non valet consequentia*, that is, *whoever makes an universal conclusion from a particular proposition, argues falsely*; and certainly no argument could less bear the test of this touchstone, than the argument above refuted.

I say the supreme power has a right to *some* part of a subject's property, because it cannot subsist without *it*; and that it has no right to *the whole* of a subject's property, because in that case, the individual could not exist. Those two propositions, I think, may stand for self-evident truths; and if they had been properly understood some years ago, would have cut off all causes of discontent in the minds of the unprejudiced, in regard to taxes imposed by the British legislature upon subjects, in any part of the British dominions. The corollary that follows, is perfectly of a piece with the absurdity of the proposition to which it is annexed; and for what purpose it has been adduced, I am wholly at a loss to explain, as it proves nothing either on one side or the other. "I have no property," it is said, "in that which another can by right

“ take from me when he pleases, without my consent.” Where is the person that will contest the truth of that proposition? I look upon it to be as self-evident as any axiom in Euclid. When divested of the implicated form in which the words darken the sense, it is no more than this, *I have no right in that, in which I have no right*; and yet this futility has been repeated an hundred times, and is said to have been produced by a late Lord Chancellor, in the most august assembly of the kingdom, as a weighty argument; so thoroughly does a factious spirit extinguish the spirit of discernment, and make trifles, light as air, delusively seem confirmations strong. Mr. Locke has further advanced, that whatever one pays for enjoying the protection of government, he must pay by his own consent, that is, *the consent of the majority, giving it either by themselves, or their representatives chosen by themselves*. This is reasoning altogether unworthy of Mr. Locke; for in the same proposition we have the consent of individuals necessary and not necessary; the decision resting in a majority, and not in a majority. As the proposition itself is only a repetition of the former, in different words, the same refutation may serve for both; and shews, that so far from being political axioms, applicable to the British state, or to any state whatever, they are nothing but delusive sophisms, tending to disturb the peace of society. Their having dropt from the pen of a great man, whose name will for ever illustrate this island, can give them no authority, when we find them not only including self-contradictions, but leading to conclusions

sions inconsistent with the first principle of all civilized government, in setting up the will of an individual, as supreme over the supreme power\*.

Mr. Locke having unhappily passed his early years in times of publick confusion and civil dissention, was inadvertently led, in refuting the unconstitutional claim of the Crown, to raise supplies without the consent of parliament, to affirm a proposition no less contrary to the principles of the British constitution, than that which he was combating, and, at the same time, altogether illogical and sophistical, as may appear almost to the discernment of an infant. But if truth should not be found at one extreme, why leap in search of her to the other, when it may be presumed her residence is rather in the intermediate space, and in the present question, she may actually be found there. For if by the principles of the British constitution, the Crown by itself has no right to raise any taxes upon the people, it is, on the other hand, no less certain, that the same principles do not allow the right of denial to individuals.

From not examining the first principle of a social union in a civilized government, it has been

\* In the year of Rome 585, when the science of logic was not professedly taught in that city, common sense nevertheless, which is the best logic, prevented the Censor C. Claudius from falling into Mr. Locke's mistake of concluding universally from a particular proposition. That Censor told his Colleague, *That though he could remove a citizen from his tribe, he had not therefore a right to remove him from all the tribes.* Neque enim si tribu movere posset, quod sit, nihil aliud quam jubere mutare tribum ideo, omnibus quinque et triginta tribubus emovere posse, id est, civitatem libertatemque eripere.

common

common to regard taxation in the British state as *un don gratuit*, or as a free gift given at the pleasure of the individual. Thus Governor Pownal tells us, "Supplies granted in parliament, are of  
 " good-will, not of duty; the free and voluntary  
 " act of the giver, not obligations and services,  
 " which the giver cannot of right refuse \*." And again, "They, that is, the members of Parliament, do not give and grant from the property of others to ease themselves." Both of these are false propositions, unworthy of the discernment and abilities, which that gentleman has shewn in other parts of the treatise referred to. Whoever will but advert to the first principles, and to the forms of the British constitution for ages past, must, I think, allow, that supplies, granted in parliament, are always of duty, as well as of free-will; and certainly in regard to the last proposition, the burden of supplies is always extended to a greater number of individuals, than ever gave their consent to the raising of them, either personally or by their representatives.

Since the first publication of this discourse, Governor Pownal has thought an explanatory letter necessary, to shew, that he was not the author of the opinions above quoted from him; but *that they are the sentiments of Lord Coke, and of the English Parliaments express, in their own words, upon record* †. I never meant to say, that the Go-

\* See the Administration of the Colonies, Ed. 4. p. 173.

† See the Publick Advertiser of March, 1774.

vernor was the first author of those doctrines; but I quoted his book, as one that was generally read, and one that I had lately perused. False philosophy, and false law, have had hundreds of commentators; but one true experiment, or one incontrovertible fact, deserves more to be regarded, than folios of illustrations of false principles. The proposition that I have laid down, *That publick supplies granted for the support of the state, are always of duty*, I will venture to say, is founded upon something even stronger than an act of parliament; I mean, upon the very nature of things, and must be disproved by something else than a mere misconstruction of ancient forms, either by the united voice of many, or by an individual. To the authorities quoted by Governor Pownal, I will add another, I mean, the very words of the royal assent to a money bill, *The King thanks his faithful Subjects*. By the words of such a bill, parliamentary supplies are certainly as Lord Coke says, *expressed to be upon free-gift*; but those words, when applied to modern times, I affirm, are nothing but an empty form, though antiently they were expressive of the *direct truth*. Parliamentary aids in ancient times were all *extra-supplies*, or supplies over and above what the constitution had assigned for the support of government, and as they were at first probably given upon tonage and poundage, and articles of merchandise, which the nobles held in contempt, these last might scorn to interfere in the grant, otherwise than by giving their consent, as they themselves were bound

bound to give supplies of another nature, I meant personal and military service.

When the rude nations that overturned the Roman empire in the western parts of Europe, assumed settled forms of government, plain sense dictated to them, that government must be supported; and as in those early periods, much power remained with the Sovereign, a fifth of all the lands was assigned for the support of that power, besides other services, to which the subjects were liable. The king's domains were in that period the chief resource for the defence of the state; but, over and above that resource, there was, during the times of our Saxon ancestors, the *trinoda necessitas* upon all landholders, clergymen not excepted. This *trinoda necessitas*, or the necessity of the repair of castles, the repair of bridges, and the military expedition, in the words of ancient charters, *nulli unquam relaxari potest*, can be forgiven to no man. That is, when the pious Saxon Kings made a grant of lands to a monastery, they declared in their charter, that tho' they conferred the lands upon that monastery; yet it *was out of their power* to excuse the Monks, from contributing to the Public Supplies, according to the fundamental law of the state. Would the colonists have the grants of lands in America upon a different condition? After the conquest, during the feudal times, the obligation upon the subject, to contribute to the defence of the state, was not at all diminished; for it has been the repeated decision



decision of lawyers, that should the King grant a tenure in the express words, *absque aliquid inde reddendo*; yet the law would imply a military duty; and in the Abbot of St. Bartholomew's case, in fourteenth of Henry VI. upon a grant made in the words, *tenendum cy frankement come le Roy est en son corone*, it was decreed, that the Patentee was not exempt from military service.

The piety and superstition of some Kings, and the profusion of others, in time, stripped the Crown of almost all it's domains, and consequently brought it's absolute power within limitations, as the Kings were obliged to become suitors to the people, to supply their necessities, which were antiently not reckoned to be, and actually were not, the necessities of the state; but occasional deficiencies, owing to extravagance and mismanagement. By degrees the King's Domains became less, and the Parliamentary Supplies increased, till at length the former vanished into nothing, and the power of a negative, which remained with the popular part of the latter, actually lifted it up to participate of the sovereignty, but altered nothing of the fundamental principle: *That the administering power of every state has a right to be supported.*

The following historical facts, little attended to by our historians, will evidently prove the ancient nature of parliamentary grants, which, I say, were formerly mere benevolencies of parliament to our Kings, who often squandered them most idly, without the least public object being

served, or without rendering the least account. As those subsidies were given by fits and starts, with intermissions of many years, the people always looked upon them as public plunder: They were the occasions of perpetual discontents; and the true spring of the instability of the succession of our Kings; the truth of which may easily be conceived, if we imagine all our present excises and customs abolished for five or six years, then imposed for one or two years, and again suppressed for an undeterminate number of years. This, tho' overlooked entirely by our politicians and historians, is the true key of the many commotions and revolutions in the English history. Even so late as Edward IV. Chancellor Fortescue gives the following political reason, why the King should at least be as rich as any two of his nobles, lest, he says, the people should be tempted to assist a rich nobleman to dethrone the Sovereign, in expectation that the usurper's large private estate, when added to the royal domains, would be sufficient for the national revenue, without any subsidies being demanded from them.—But I shall proceed to the historical facts.

In the sixth year of Edward III. the commons grant to the King one tenth, and one fifteenth, *so as the King will live of his own, without grieving of his Subjects.* I should be glad to know what sense or meaning such a proposition would have, if made to any of our Kings since the revolution. In the twentieth year of the same King, the Commons petition the King, *That the keeping of the sea may from henceforth be at the King's charge,* which

which plainly implies a very considerable revenue, that the King could then call his own, independant of parliament. Towards the end of his reign, the same King tells his parliament, *That to all the armaments albeit the subject to their pains contributed; yet was the same far more infinite charge to the prince; which is saying, that parliamentary subsidies made but a small part of the national supplies.* In the fiftieth year of the same King, the commons declare, *That if the King's revenues had been rightly managed, he might long maintain his wars, without any charge to the commons; and yet no English King had been involved in longer or more expensive wars.* In the first year of Richard II. the commons wish, *that the King might have all such lands, as his grandfather purchased to the ease of the commons.* Next year they declare, *that if the King's expences were well looked to, he should need little to charge the commons.* In the fourth parliament, Richard, in excuse for himself, says, *that there was no Prince in Christendom capable of defending the sea, without aid from his subjects, which implies, that tho' the King could do a great deal, he could not do all; but Richard II. was noted for his bad management and dissipation.* Some years afterwards, the commons request the King, *to live within his revenues; and that all gifts may be employed upon the wars.* These domains of the crown, the antient constitutional fund for national defence, tho' often squandered, were often resumed; and Edward IV, after having made a general resumption of all lands belonging to the crown, tells the commons, in the seventh year of his reign, *that he means to live upon his own,*

*without charging them.* His extravagance and lavish dissipation, however, obliged him afterwards to have recourse to his parliamentary bounty; nevertheless, it plainly appears, that several years of his reign passed without any aids from parliament. We shall not be surpris'd at this, when we consider the largeness of his revenue, in consequence of the resumption of the domains of the crown, the amount of which we have from the most authentic and most respectable authority. Chancellor Fortescue, in his treatise on absolute and limited monarchy, written during the reign of Edward IV. and concluding with a prayer for him, for not vexing his people with subsidies, tells us, *the King our soveryng Lord had by tymes fithen he reigned upon us, livelood in lordshippis, lands, tenements and rents, nerehand to the value of the fiftth part of his realm, above the possessions of the chirche.* Such being the fact, then, I say that he had not the least occasion for parliamentary supplies; and that the expences of government, in his days, were greater, or more burdensome, than they are in the present period. For, exclusive of the national debt, which is not to be considered as a perpetual burden, the annual expences of government do not at present amount to the value of the fifth part of the lordships, lands, tenements, and rents, of the realm and her dependencies. I leave this very singular fact, unnoticed by all our historians, to the further discussion of my readers.

We see from the instances above mentioned, extracted from Cotton's Abridgement of the Records,

cords, that our Kings had formerly an independant national revenue, which the commons have often declared sufficient, with good management, for all the purposes of national defence; and that parliamentary subsidies were only good-natured gratuities, to supply the wants not of the nation, but of the Prince. But is the actual constitution of the British state, the same fabric with the constitution three hundred years ago? Now, since the executive power has no royal domain; and is, by the happy settlement of the revolution, obliged to be accountable for National Supplies, it is no longer the Parliament that grants to the CROWN; but the Nation that gives to ITSELF; and who should be the judge, how much it ought to give, but the great national council? Parliamentary supplies are now (most happily for the nation,) *the necessary supplies of the State*; since it legally can have no other; who then ought to be judge of that *necessity*, but the parliament?

These luminous facts, above mentioned, bring the principles of the British Constitution, long obscured by illogical arguments, into broad day, and dispel at once the delusive doctrine of the factious, *That the individuals of a state may possess all the property of a state, and the government possess no property at all, but what those individuals separately chuse to give it*; which is the direct consequence of the false propositions of Mr. Locke, and of the assumed dictums of Lord Coke, of Lord C. of Lord C. &c. down to the Philadelphian Resolvers. Lump together the opinions of all these politicians, and they vanish before the evidence of facts, like a morning fog

fog before the strong beams of the sun. Government, at this day, has just as good a RIGHT to National Supplies, as it had a thousand years ago, with this only difference, that the *Royal Domain* is now become a *Legislative Domain*. The *trinoda necessitas* of our ancestors, the Saxons, is now the *trinoda necessitas* of the assent of the three branches of the supreme legislature. Would the colonists then lay claim to the ancient free Saxon government, and be wholly exempt from the payment of taxes, we see that one fifth of their landed property, amounting annually to half a million sterling, ought in that case to belong to the crown. Would they take the model of their constitution from the Conquest to the time of Edward IV. we still see that a fifth of their lands must belong to the crown, that is, be appropriated to the defence of the state. Would they take the principle of the revolution, for the basis of their liberties; by that principle the sovereign legislative power alone, is made the judge of what the subjects shall pay to the crown, and on that basis, they will find their liberties secure. But if they lean upon the weak sophism of Mr. Locke, *That a man is a slave who pays any thing to the support of the state without his own consent*, they will lean upon a broken spear, that will pierce their hand, and bring calamity and distress upon their country.

The antient form still remaining of the King's confirming the parliamentary grants, with thanks to the people, can alter nothing as to essentials. It is in fact but a courtesy, which we find practised by Edward I. when peremptorily summon-  
ing

ing his subjects to the performance of their duty. When that Prince, in the twenty-fourth year of his reign, was meditating an expedition against Scotland, he calls upon his great vassals to attend him, at Newcastle upon Tyne, with horses and arms. He charges them *upon their duty* to appear; and afterwards adds, *that he might have an opportunity of thanking them.* The words are, *vobis mandamus rogantes in fide & dilectione, quibus nobis tene-mini;—ita quod vobis inde grates referre merito teneamur.* See *Dugdale's summons to parliament.* \*

\* Let us suppose the British state reverted to it's ancient constitution, previous to the times of parliamentary grants; and that a fifth part of all the lands in the British dominions were assigned for the support of government; how much, in that case, ought to be paid by the American subjects, who have hitherto been paying almost nothing? The fund of the land tax in Great Britain may be reckoned twenty-five millions; and of Ireland, two millions and an half, tho' by some it has been computed at three millions. As the British subjects in America are reckoned more than equal in number to those of Ireland, and their lands in general yield them richer products, the value of their lands in cultivation may, therefore, be ranked upon the same scale with that of Ireland; and the several quotas of each will be as follows.

The land fund in Gr. Britain,	£. 25,000,000	a fifth is	£. 5,000,000
Ditto in Ireland,	— — — 2,500,000	Ditto	— 500,000
Ditto in America,	— — — 2,500,000	Ditto	— 500,000
Total of Public Revenue			
£. 6,000,000			

Thus supposing the annual amount of the taxes to be but six millions, though it actually be near double that sum, the proportionable share of the colonists ought to be half a million sterling, to possess the remainder of their property free from all public burdens. But would this blessed exemption from taxation, otherwise than as by free gifts, in which they have absurdly placed the essence of a freeman, actually secure their freedom? Would not the power of a monarch with a perpetual independent revenue of six millions a year, unaccountable to parliament, or without a parliament, soon become more oppressive to the subjects than the present regulated sovereignty of Great Britain?

I have

I have inserted the preceding historical details, to shew, that if Governor Pownall had looked deeper into the nature of the British Government, his good sense would probably have led him to have rejected the idea of taxation being a free gift. And from them, I think, I am well founded in affirming, that by the principles of the British Constitution, neither individuals, nor subordinate communities, such as the colonies, are justifiable in asserting, that all aids from them for Public Services, should be their own free and voluntary gifts. According to the fundamental principles, and to the whole texture of the British constitution, Public Supplies granted for the support of the state are always of duty; or, in other words, the right of taxation in the British state is not in the people at large, but in the Supreme Superintending Power, who prescribes the duty. It is the General Superintendence that gives a right to taxation, by implying the necessity of being supported; and where the constitution of the state has placed that superintendence, it, of necessity, places the right of demanding supplies, and regulating the mode of raising them. In the British government, one branch of this superintending power has but a very limited duration, and is composed of representatives who draw their existence from a part of the subjects called Constituents; but it is not the constituents who send those representatives, that give them a right of levying taxes upon themselves and all their fellow-subjects. No; the right is inherent in, and coeval with, the supreme superintendence, and, indeed, makes part of it's very essence. There can no more be a sovereignty without it,



it, than there can be a man without a living soul. But cannot the representatives of the commons with-hold supplies altogether, if they please? Yes, certainly; but that, however, gives them no *right* to with-hold supplies. The hands and the mouth have the power of with-holding supplies from the body to which they belong; but I deny that they have from thence a *right* to with-hold them, because neither a body natural, nor a body politic, has a right to be *seu de se*, or to destroy itself. On the contrary, the principle of life gives to both a *Right* to a subsistence and support.

Though the executive power in our government has a right to a subsistence, yet happily it is not the master of taking its own subsistence. It cannot, in short, feed itself like the ravening powers of arbitrary states. It must be fed as the human body is fed, by the members; but the right of having food, and being subsisted, was inherent in itself from the first period of its existence.

If one branch of our legislature is of very limited duration, the other two branches are singly, and by themselves, of very limited power; but the three branches, conjoined, are all puissant over every subject of the British empire: and, as the right of taxation is inherent in them, their will is equally sovereign in imposing of taxes, as in every other exercise of their power. Accordingly we find that there are penal clauses in all acts regarding taxation; and, that a subject refusing or neglecting to pay his share of a tax, is distrained upon, sometimes to the total loss of his substance. We may therefore regard the idea of the British parliament's

ament's being sovereign in all acts of legislation, excepting taxation, as an idea that has no just principle for its foundation ; and whatever names and authorities it may have had on its side, yet not having the authority of truth to support it, we may rank it with vulgar errors, that deserve to be exploded. Representation has nothing more to do with the right of taxation, than with every other right enjoyed and exercised by the superintending power. It is interwoven with the very essence of the supreme legislative power, which, indeed, sometimes reposes ; but the administering power is supposed never to repose. When they are all in action, then is the body politic most alive.

Though the right of taxation be alone in the Supreme Superintending Power ; yet the modification of that right, is, by the British constitution, reserved exclusively to the popular branch of it ; and this the constitution has thought sufficient for limiting or setting bounds to the executive power, and thereby securing a proper share of liberty to all the subjects. The exclusive right of this popular assembly is, I say, the power of modifying and regulating the quantity of public supplies. It decides how much the supreme power ought to have, and thereby frees the subjects from all apprehensions of that power's demanding, or ever obtaining, the whole of their property, upon the known and avowed principle of its having an inherent right to some part of it. The power of limitation being entrusted to this popular assembly, who itself has but a very precarious and short existence ;

istence; the subjects, though they know it's authority, when joined with that of the other two branches of the legislature, to be by the constitution absolute, have no more reason to be afraid that it will surrender up all their property to the executive power, than they have reason to be apprehensive that it will put them all in chains. In attempting to do either of these, it would be acting to the destruction of the society, and consequently acting beyond it's authority.

It has been shewn that the *Right of Taxation*, according to our constitution, does not lie in the personal assent of individuals, much less therefore in the assent of representatives, otherwise than as those representatives make a part of the superintending power, which gives them a right of demanding supplies, and, as making part of the people, a right of regulating the measure of them. Those representatives are chosen and appointed according to long use and established custom in the monarchy; but, happily for the public liberty, their rights die, and are extinguished every seven years, or sooner, at the pleasure of the king, when those rights revert to their constituents. But do they ever revert to the body of the people of Great Britain at large? No, certainly by the British constitution never \*. The people

\* I do not here speak of a nascent state, or of a state just beginning to form itself, when all power, and all authority, are wholly in the people, or among the individuals. I speak of a state that has had a duration of many ages; formed and established upon certain principles esteemed and called *fundamentals*, from their durability and immobility. M. de Buffon, in his very elegant natural history, ob-

of Great Britain at large, have no more direct concern in the sovereignty than the most remote colonist has. The representatives in the house of Commons, are not the direct representatives of the people of Great Britain, or of the Colonists. They are only the direct representatives of their own constituents, and the virtual representatives of every British Commoner wherever he inhabits. The constituents who send the representatives to the house of Commons, may not perhaps exceed two or three hundred thousand in number; yet eight millions of subjects in Great Britain are taxed by the representatives of those constituents, without their own consent. Thus we find, what B. Franklin states as a false proposition, in order to apologize for the disobedience of the colonists, is precisely the true fundamental principle of the British constitution, "That fellow-subjects in one part of the dominions are sovereigns over fellow-subjects in another part," even within the island of Great Britain; consequently, throughout the

serves of the bees, that the hexagonal form of their cells, is not owing to any superior instinct of those animals; but is a necessary consequence of their coming into existence and living in society. A few pease, he says, thrown separately into hot water, swell and assume a globular form, having space to expand on every side; but pease tied up in a bag, and thrown into hot water, will, from their mutual expansion and mutual resistance, all assume an hexagonal form. The remark is metaphorically applicable to men formed into civil societies; for in these no individual has it in his power to expand his views on every side as he pleases; but every one, from the King to the meanest subject, must submit to the checks, which the fundamental laws of the constitution impose upon him; and to violate those laws, is a crime highly punishable in every Society.

whole

whole empire. The truth of this proposition being clearly established, overturns at once the whole baseless fabric of representation and taxation, reared by false oratory, but left unsupported by the least prop of a single argument.

The subjects of Great Britain, in general, participate of the sovereignty in a very extensive degree; but upon no just reasoning could it be inferred from thence, even by a foreigner unacquainted with our constitution, that this participation extended to every individual. Much less then ought such an inference to be made by a British subject, who cannot but know that it is disproved not only by arguments, but by facts. It is therefore not a little astonishing, to hear an English author founding *An argument, for the exclusive right of the colonies, to raise their own quota of National Supplies*, upon this very false principle, That the laws first secure the legislative right to all the people. But when a mere assumed position, void of all foundation, is taken for a fundamental principle, all the conclusions drawn from such a position become wholly Utopian, and in no wise applicable to the constitutional system of the British government. \* *Because there must be representatives of the people, to form a taxing law, therefore, all those who are taxed must have represen-*

\* This author graciously allows, that people of no property may be taxed without their own consent; and one of his arguments may be reduced to the following syllogism. Mr. Hampden acted right in opposing a tax demanded without the authority of the supreme legislature, therefore, the colonies act right in opposing a tax demanded by the authority of the supreme legislature.

*tatives*, is a sophism precisely of the same kind with that of Mr. Locke's, above refuted, and falls to pieces upon the least examination. One of our popular orators, indeed, a few years ago, ventured to expose his head in establishing this miserable argument, as a fundamental principle. That however was a period of delusion; but now the rays of common sense begin to brighten our horizon; and I hope will soon extend their influence to our deluded colonies.

What the British constitution chiefly aims at, is that the people should, by their representatives, have such a share in the legislative authority, as may serve for a proper check to the power of the other two branches; but it has ever implied a dutiful submission on the part of all the subjects to the will or power of all the three branches, when united in a legislative capacity. This legislative will or power of the British parliament, has even been carried so far, as to alter fundamentals by acts of parliament; which the people have acquiesced in, from a conviction, that the national good was thereby promoted. The legislature have given new kings to the state; they have turned annual parliaments into septennial; nay, *they have even diminished the number of their own constituents one third, or perhaps one-half*, as in the famous act of Henry VI. about freeholders; which plainly shews, that our ancestors, three hundred years ago, did not think it essential to extend the legislative right to all the people. And it has often been proposed of late years, for the sake of domestic tranquillity, again to cut off one  
third

third of the constituents from the right of voting, by raising the qualification of freeholders to twenty pounds. This however has been effected in another manner, by the late act, depriving copyholders of the right of voting for knights of the shire, by which law, above fifty thousand masters of families, who some years ago might have said, that they, as constituents, had some share in government, are now placed in the same situation as colonists, or as millions of other subjects in Great Britain. Nay, the actual form of the British government affords a singular instance of several entire counties in Great Britain, where all the constituents, every seven years, or it may be oftner, are expressly deprived of the privilege of sending members to parliament; yet no one ever supposed those counties not represented in the national assembly. † Thus it appears, that both the spirit and the actual state of the British Constitution establish, beyond contradiction, the truth of virtual representation, in the popular part of the supreme legislature; a truth so very apparent to every common observer, that one could not have expected ever to have heard it called in question, even by the most factious. ‡

† I mean those counties in Scotland, who, by the act of union, send members to parliament alternately.

‡ The colony of Massachusetts Bay affords another instance, justifying the truth of the principle of virtual representation. It is the practice of near one third of the corporations of that colony, who have precepts sent them for electing representatives, not to choose any, to save the expence of paying their deputies. The legislature of the colony exercises it's legal authority nevertheless.

If representation is then virtual for Great Britain, why should it not also be virtual for the colonies, who, from the very beginning of their existence, have always made a subordinate part of the British dominion? Since there are millions in Great Britain, that have no immediate share in sending representatives to parliament, the millions in America are deprived of no right in not having any immediate share likewise. In the British state, (as formerly in the free Roman state,) the *jus suffragii*, and the *jus libertatis*, have ever been two distinct things; and the want of a right to the former, or to a direct concern in the supreme legislature, never implied the loss of the latter, or of the rights of liberty. Saint Paul tells us, he was a FREEMAN, FREEBORN; yet I believe, he would not have been so forward in shedding blood, as some in Massachusetts Bay have been, for the imaginary right of contributing only, of his free-will, to the wants of the state, a right which he knew he had no claim to, had he even lived in the times of the Republic. The *jus suffragii* among the free Romans, so far from being extended even over all Italy, was confined to the Campus Martius alone. A Portius Cato, tho' he lived but twenty miles off, at Tusculum, had no right to meddle with public affairs till he came to Rome, neither had a Tully, while his family continued at Arpinæ; yet they like Saint Paul, were *Freemen freeborn*.

Though there are no constituents among our colonists, yet they have the same right of being chosen  
into



into the legislative body as any of their fellow-subjects in Great Britain; and, indeed, there is not a right or a privilege that the subjects of Great Britain enjoy, which they do not participate in as far as their local situation, and the general welfare of the community will admit. They cannot deliberate and vote in the house of commons, and remain in America; but neither can a member of that assembly deliberate and vote in it, while abroad on a foreign embassy, or in public service in the East or West Indies; yet we never heard of any such complaining on that account of a breach of privilege. They dare not send a ship on the east side of the Cape of Good Hope; but all the sea-ports in Great Britain and Ireland, excepting the port of London, are under the same limitation; and even in that port, the traffic beyond the Cape is restricted to one society of merchants alone. Their being subject to laws of their own, as well as to those of the supreme legislature, cannot be reckoned any abridgement of their public liberty. They, in that particular, resemble the members of many incorporated bodies in Great Britain, who, from the very circumstance of being subject to that *double law*, acquire the name of *freemen*. The stars shine upon us in the day, as well as during the night. When the sun appears they, indeed, become invisible; but their rays are not extinguished; and we, certainly, have not the less light, for their being present with the sun.

It having been demonstrably proved, that the British legislature possesses in itself a right of taxation,

ation, independent of actual representation, and that this right is consequently equally extensive with any other of its legislative rights; it might be expected that the dispute about its right of taxing the colonies might here be terminated, as the colonists in general have only objected to that right, upon the false principle of its being founded upon the consent of individuals, or of direct representatives. Faction, however, having taken deeper root among some seditious leaders at Boston, they have most weakly endeavoured to justify their disobedience to the British Legislature by other sophisms besides that of taxation, depending upon representation; but sophisms, if possible, more futile, and more directly inconclusive, than that already refuted,

As they have observed a willingness in the people of Great Britain to be deluded, they have not scrupled to advance arguments, not only contrary to the plainest reasoning, but to historical facts; and wishing to be what they really are not, they have cavilled at the authority of parliament; that is, at the Sovereignty of the nation, because that authority was not so vigorous when England first acquired possessions in America as it is at present. Nay, they have gone farther. They have had the rank folly and absurdity to insinuate, that the claim of England to possessions in America, upon the principle of prior occupancy, was an usurpation of natural right, against the savage tribes who were the rightful lords of the soil. Now, allowing the truth of this position, which I most readily do; yet, as the claim of England  
was

was the foundation of the usurped possession of the first colonists, these Bostonians have, by this allegation, cut the branch they themselves were standing upon, and destroyed their own right to the lands they now possess in America, if there was any solidity in the argument which they have alledged. A possession of two hundred years, however, suffices to give validity to what might be at first a weak, or even an unjust claim; and the Bostonians, perhaps, reflecting on that, graciously condescend to quit this argument, to lay hold of another equally absurd. They say, "Should the doctrine be admitted, that the discovery of lands owned and possessed by pagan people, gives to any Prince a title to the dominion and property, still is it vested in the crown alone." What a wonderful discovery! In whom then, I pray, is it vested in states, where there is not one single person that wears a crown? Do not the colonists by their own position exclude republics from a possibility of settling colonies in desert countries; and all by the juggle of two words; for if instead of the words *prince* and *crown*, we substitute the word *state*, which ought to be the expression, the proposition, which at present is a masked sophism, will become clear and evident. Thus, "Should the discovery of lands, esteemed vacant, give to any State a title to the dominion and property, still is it vested in the State alone." New-discovered lands are vested in the crown, as head of the state, not as the private property of the person who wears the crown, as the colonists would insinuate in the proposition above stated, and in the following, which may be

looked upon as a farther illustration of their new *jus gentium*, or *jus politicum*. “ We take it, they say, to be a settled point, that the king has a constitutional prerogative to dispose of, and alienate, any part of his territories not annexed to the realm.” I leave it to my readers to determine whether the following proposition is not more agreeable to the fundamental principles of the British constitution: “ I take it to be a settled point, that the king, as king, has no constitutional prerogative to acquire any territories, that are not annexed to the realm.” Who would have expected to have found such very zealous advocates for royal prerogative among the puritannical inhabitants of New England; but it has happened to them as to Eve, when she first deserted her husband,

They fell in love with the first devil they met,  
And out of pique ev’n help’d to damn themselves.

The Bostonians, and their advocates, finding it impossible by plain reasoning to give the least appearance of legality or lawfulness to their claim of independence upon the Supreme British Legislature, which is, in other words, an independence upon the state; think that the weakness of their arguments may be made up by the number, and are eternally shifting their ground by running from one quibble to another. The charters of the colonies, they say, are granted by the crown; and, for many years after their first establishment, the sovereigns of England governed them without the interference

interference of parliament. What follows from all that? The sovereigns of England, at that time, were also endeavouring to govern Great Britain without the interference of parliament; and both were unconstitutional. Had parliaments been abolished in Great Britain by those kings who wished to rule without them, is it to be supposed that *General Assemblies* or *General Courts* would have long subsisted in America? Our Kings, in case of suppressing parliaments in this island, would have made *One Council of State* serve for all their dominions. How absurd then is it to found the independency of any British colony upon the principles and actions of kings, subversive of the general liberty of the subject.

If the charters of the colonies are granted by the crown, the natural inference is, that the colonies are then dependant upon the kingdom. All authority that the crown has in a political capacity, it has as head of the nation; and all acquisitions of new lands, though vested in the king, are acquisitions belonging to the kingdom \*. To suppose a charter granted by the king in a private capacity, disjoined from his character of head of the nation, to give any au-

\* The empty, silly, conceit of new plantations belonging to the Crown, and not to the Kingdom, is directly opposite to the sentiment of Lord Bacon, who says of them about the very time of their commencement, "THIS KINGDOM now first in his Majesties times, hath gotten a lot or portion in the new world by the Plantation of Virginia and the Summer Islands, and certainly it is with the kingdoms on earth, as it is in the kingdom of heaven, sometimes a grain of mustard-seed proves a great tree. Who can tell?"

Bacon's *Remains* published by Raleigh.

thority whatever, is to suppose an absurdity. The colonists, therefore, in holding their lands and their civil government from the king by charters, hold both from the nation collectively united in the supreme legislative body. All the sovereignty the king has over the colonies, he has as being sovereign of the British nation; consequently, let him grant them hundreds of privileges by charter, he could never make them any thing but parts of the British nation. A king of Great Britain can no more create by charter, or by any act of his power, a community independent of the kingdom, than he can create a new planet. Nay, an act of parliament could effect no such thing; for though a state may be all-puissant within itself, yet to say that it could be all-puissant without itself, would be a political solecism of the grossest kind. An act of parliament might exclude them our society; but could not by its authority form them into independent societies; for from the moment of their separation from us, they would revert to the state of nature. Riots, thefts, and murders, would then not be illegal, and every man might do that which was right in his own eyes, till the wiser and stronger gave law to the rest. If therefore the colonies could never make but parts of the British nation; the consequence is, that they owe, equally with all other subjects, submission and obedience to the supreme legislature of the nation. The stately oak, that I view to-day, had not, an hundred years ago, the twentieth part of its present size; but am I, for that reason, to reckon it twenty oaks, or to think, that  
its

its remotest branches do not still depend upon the trunk from whence they sprouted. The British nation, by its settlements in North America, has spread itself out beyond the limits of the island; but, from the moment those settlements were first made, the sovereign superintendence accompanied them, though not always exercised in the same manner as at present.

Hence appears the absurdity of that proposition advanced by B. Franklin, "That a submission to acts of parliament was no part of the constitution of the colonies \*." The author must certainly have first deceived himself, otherwise he could never have had the confidence to think of palming such a gross sophism upon his readers. A submission to the sovereignty of Great Britain, was ever a part of their constitution, and, as we have seen, cannot but make a part of their constitution; but the sovereignty of Great Britain exists in the supreme legislative body of king, lords, and commons, assembled in parliament, consequently the acts of that parliament are sovereign over the colonies. Let us suppose that parliaments exactly similar in every respect to the parliament of Great Britain, were to be established in France and Spain, would the French and Spanish colonies, now governed by the absolute power of one person, owe less subjection to the new sovereignty, than to the despotic ordinances of their present monarchs, as

\* See a Letter, in the *Publick Advertiser*, Feb. 19, 1774.

that

that new sovereignty, though it added rights to all the subjects in general, diminished nothing of the supremacy of the nation. But the parliament of Great Britain was a sovereignty previously to the establishment of any colonies by the nation; and every right that it now enjoys, was by the constitution inherent in it, though not always exercised by it, for ages before ever any European colonies were settled in America. We find Queen Elizabeth, at the representations of her parliament, taking shame to herself, for having granted charters that were judged detrimental to the welfare of the publick, and recalling those charters. Now, let us suppose that her parliament, from a false apprehension, that the settlements in America would be productive of more evil than good to the nation, had petitioned the queen to recal the American charters; Will any Colonist take upon him to say, that she would not have complied. The parliament, however, did not interfere; but the non-interference of parliament in any act of government, where it has a just right, may indeed weaken the act of government, but can never weaken the parliament's right. Now in all acts of legislation, it has an inherent right over all the subjects of the state, and as the colonists have ever made part of the subjects, its right consequently has ever extended over them. The journals of parliament, and the petitions of the colonists, afford hundreds of instances of the exercise of this right, which is also justified by the very fundamental principles of the constitution; yet the Bostonians, and their advocate B. Franklin, seem



seem very modestly to believe, they can persuade us, that when the sun is in the meridian, it is not day-light †.

For what purpose Governor Pownall has produced the example of the Seventeen Provinces of the Netherlands, in reasoning upon a misunderstanding between a parent state, and its colonies, is altogether beyond my comprehension. It appears to me, that one might as properly have recourse to a chart of the West Indies, in order to sail to the Cape of Good Hope. It is plain from history, that tho' the Netherlands were subjects of the King of Spain, they were no more subjects of the crown of Spain, than the Hanoverians are subjects of the crown of Great Britain. The sovereigns of the Netherlands, by the accidents of two successive marriages, became sovereigns of Spain; and as the Emperor Charles V. had, by military force, abolished the privileges of the Cortes of Spain, his tyrannical son Philip II. wanted to imitate his example in Flanders. But the Netherlands were a free people, before ever they were connected with the house of Austria, possessing

† In the year 1754, Benjamin Franklin, Esq; proposed to the commissioners of eleven of the continental colonies, met by order of the crown, in congress at Albany, a plan, which was unanimously agreed to by all of them, for humbly applying for an act of parliament, for making certain alterations in the constitutions of the colonies, and empowering a new council of forty of them, to raise taxes upon the colonies. Should the B. Franklin, of the Publick Advertiser be the same person, with the above Benjamin Franklin, Esq; my readers cannot but admire the great consistency of the man. The parliament of Great Britain could not certainly empower others to levy taxes upon the colonists, without having that power itself. *Pro confesso habes reum.*

privileges to such a degree, as to appear actually encumbered with them. Because a state has no right to make laws for the subjects of another state, does it follow that it has no right to make laws for its own subjects? When we consider the local circumstances of the Netherlands, the dissimilarity of the two cases will still be more striking. The Netherlands was a small territory gorged with inhabitants, all possessing different laws, a different language, and different manners, from the people who assumed a right to govern them, which neither the law of nature nor the law of nations had given them, and at the same time was quite surrounded by powerful enemies, enemies inveterate against the ruling power. Our colonies, on the other hand, are scattered over a territory of an immense extent, which, to be well peopled, would require twenty times its present number of inhabitants, and is wholly surrounded by the power of the parent state, whose laws, whose language, and manners, are quite diffused over all that territory, a territory from its first settlement, as Lord Bacon justly observes, declared to be a lot or portion of the parent state.

I likewise conceive the case of the Neapolitans, and Herculaneans, quoted by the same author, who were indulged with their own laws from the Romans, as having no manner of relation to the circumstances of the old English colonists in America. But I see it wholly applicable to the new colony of Canada. In the early times, all the southern part of Italy was filled with Greek settlements, most of which were independant;  
but

but at length they became subject to the Romans, who naturally established their laws wherever they had fixed their power. But as the Greeks were a people highly civilized, who spoke a most elegant language; a language abounding with classical authors much admired at Rome; and who also may be said to have had a religion of their own; for the Paganism of the Greeks probably differed somewhat from the paganism of the Romans, these last who had subdued them, left them the choice of the law by which they would be governed; and they very naturally gave a preference to the languages and rites in which they had been born and brought up.

The case of Wales, and of the Palatinates of Chester and Durham, as quoted and reasoned upon by Governor Pownall and all others, who have treated of this argument, has also, in my opinion, no manner of connection with the question of the submission of colonists, to the supreme legislature of the parent state. The inhabitants of Wales, and of the other two territories, did not acquire their lands by grants from the rest of the kingdom, with the condition annexed of obeying the laws of the realm, which is the exact state of colonists. They were originally as much self-possessors of the lands they occupied, as any other land inheritors in the island; and without particular representatives in the supreme legislative body, they would have laboured under a disadvantage that our colonies are not exposed to; I mean they would have had none in the great National Council to explain

those particular matters that exclusively concerned themselves, which matters are in Great Britain commonly called *the private business of parliament*. This private business, so far as the colonies are concerned, is regulated in all the colonies, by the respective legislature of each; and certainly, while they continue colonies, those legislatures ought not constitutionally to deliberate upon any thing else than *private business*, of which taxation for the general defence of the state can never make any part.

Neither is the case of Ireland at all applicable to the present question. Ireland, as history shews us, was originally an independant nation; and at no time previous to the establishment of its present legal constitution had been so conquered and overrun by England; but that a great majority of its inhabitants was composed of its original natives, living subject to a law of their own. If these at length, after many struggles, consented to form themselves according to the model of the English constitution, held out to them by their conquerors, to accept of English laws, and acknowledge a subordination to England, the consequence was a strict and happy union of two states, not by incorporation, but cohesion. The native Irish who consented to accept of the laws of England, from Henry II. certainly did not receive their lands from that King. Tho' they acknowledged the *Dominium Regale* of their island to be in him and his heirs, yet the *Dominium utile*, or property of Soil, still remained with themselves, as it had been transmitted to them from independant ancestors  
from

from times immemorial. This is a property in its nature, quite different from the property of colonists; and consequently, entitled to privileges quite different. The properties which the British colonists now possess in America, are properties of which they acquired the *Dominium utile*, in consequence of their being subjects of Great Britain, and remaining subject to her laws; therefore, it is only infringing their own right to the lands they inherit, to refuse obedience to the laws of the parent state. Tho' the Irish, who inhabit a territory of their own, are in a very different relation to Great Britain, from colonists, who live and exist upon the direct dominions of the state; yet a learned and judicious writer, has formed the following queries in regard to them, which well deserve the serious consideration of some of the leaders of faction in Massachusetts Bay. *Quere*, "Whether from Glanvil, there is not treason against the kingdom as well as against the King; and *quere*, Whether the English *modus tenendi parlamenta*, being transmitted to Ireland, by Henry II. styling himself Conqueror of Ireland; after that, a parliament of Ireland held in that form, should have voted themselves independent of the Parliament of England, would not every member have been liable to an impeachment for treason against the King, and the kingdom of England? \*" By the connection of Ireland with England, in the time of Henry II. the nation that was strong before, became

\* See the history and reasons of the dependency of Ireland upon the imperial crown of the kingdom of England, rectifying Mr. Mollineux's state of the case of Ireland, being bound by acts of parliament in England. London, 1698.

stronger,

stronger, by having another nation so closely joined to it, that both appeared but as one, and resisted every effort with united strength. And whatever convulsions Ireland might afterwards experience, this first settlement of Henry II. when the antient natives agreed to become subjects of the Crown of England, was the germ of their Constitution, which, then, was certainly not considered as Colonial, and cannot now be looked upon as such, but from ignorance or injustice. ‡

The same relation would subsist between Great Britain and the free associated Indian nations of North America, should they agree to accept of the English code of laws, and the English form of government, with an acknowledged subordination to Great Britain. Every body

‡ Tho' Ireland has long enjoyed a particular legislature with a very great degree of independence; nevertheless it may be greatly doubted whether it would not have been much better for the inhabitants of that island, if from the first of their submission to England, they had referred the whole of their concerns to the superintendence of the English parliament. If the early establishment of the arts, and of commerce; if the cultivation of lands; if settled peace and internal tranquillity are blessings, then, I say, the people of Ireland would have escaped many miseries, and enjoyed much more prosperity, to have submitted all their concerns to the immediate direction of the English parliament, without one teizing thought about representatives, otherwise than as the constitution had previously established them. But *non voluere*, they did not think fit so to do; and their original independent state gave them a right to propose terms of their own. However, were we, I say, to enquire what they have gained by their exclusive rights, it would appear that they have raised up a wall of separation against themselves, which on many occasions has shut them out from the benign influences of Government. Ireland, in the wide extent of the British dominions, has, for many years back, appeared like Gideon's fleece. It has remained dry, while the dew of government has been falling most abundantly on all our favourite possessions in America; and yet, sound policy ought to have made us consider that island as part of the Centre of the State, and as the joint Parent of our numerous colonies.

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must agree that their rights and claims would be very different from those of colonists. Their ancestors were independent lords of the soil, before ever a British subject set his foot in North America; and they have, through successive generations, ever since remained an incorporated society, living according to a constitution framed by themselves; therefore should they desire to join themselves more intimately to the British nation, they would certainly have a right to propose their own terms, and to make stipulations as a distinct people, offering to live in a federal union with Great Britain.

The colonists are not a new people that come and offer to enter into the bonds of a perpetual alliance and confederation with us. They were originally our fellow-subjects, who finding that the state laid claim to the dominion and property of extensive vacant lands in America, solicited and obtained an authority from the crown, that is from the state, to occupy those lands, with all the privileges of subjects remaining at home. The fundamental stipulation with such subjects is, " You shall have those lands, if you remain in obedience to the parent state." It is by that tenure the colonists hold all the lands they possess in America; and the terms of a royal charter expressing any thing else, are contrary to the fundamental principles of the British constitution. The conditions of that tenure are no ways altered on account of the hardships and difficulties which the first settlers had to struggle with, any more than the unexpected difficulties and disappointments  
that

that miners meet with, give them a fuller right or title to the ore when found, than they had originally from their lease. The crown, that is the state, gives even more than the lands in America to the colonists. It gives them the power of government, granting to each colony a jurisdiction in every matter relative to it's own particular concerns; but as all the subjects are interested in the general concerns of the whole empire, no particular jurisdiction can have any authority in these, and the jurisdiction which treats of them, must in its nature be supreme.

If then the British parliament, as we have seen, enjoys a right of taxation independent of individual representation; if the dominion and property of the vacant lands of America were acknowledged to belong to the crown, that is to the state of England, before any English subject ever emigrated thither; if the settlers of those lands, who sailed thither as English subjects, received them, and are daily receiving them from the bounty of the parent state, as portions of her dominion; those settlers or colonists are then equally amenable to the same supreme power with all other British subjects, liable with them to the same vicissitudes of adverse or prosperous fortune in peace and war, and consequently liable with them to bear their share of all the public burdens, which the support and defence of the state may render necessary.

The annual balance that Great Britain receives in her trade with the North American continent, has



has been pleaded as a reason for an exemption from taxation, in favour of the colonies. But by the same reason Ireland, the Isle of Wight, and Scotland, taken distinctively from England, ought to pay no taxes; for, upon examination, it will be found, that the balance is against all these with the center of government. That balance, however, when not extreme, by no means implies an exhausting drain of those remote territories. The balance from the whole North American continent at present is not so great in proportion to the territory and number of people as from the Isle of Wight; and that proportion in all probability will even diminish, as the colonies acquire a greater maturity; and in time it may be presumed, will preponderate against the mother country in favour of the Carolinas, and other southern colonies; so that what money Great Britain receives from the northern colonies, will be drawn back again by the southern, and will barely suffice with her own exports to pay for the rich products she will have occasion for from them.

As all wealth (fisheries excepted,) originates from the soil, the most natural wealth that a capital can possess, is that which it draws from its own provinces; and while governments subsist upon earth, it will ever be found that the center of the state will in general draw a balance from the extremities. This balance in states either monarchical or republican, is partly employed in the exertion of strength, and partly in wasteful consumption. What is employed in the exertion of strength, like the impulse of the heart, returns circulation to the ex-

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tremities,

tremities, and gives vigour to the whole constitution. The wasteful consumption of one year is supplied by the reproductions of the next. It is a maxim in philosophy, that if the force of attraction or cohesion is not greater than the force of repulsion, bodies cannot exist; and the same holds true in politics. If the returns to the center of the state do not exceed in some small degree the outgoings from it, weakness and dismemberment must ensue. The sun himself, who disperses his light and heat through our system, is supposed by astronomers to receive supplies fully equivalent to his daily waste; and indeed it may be presumed, that if he did not receive such supplies, his light would soon be extinguished.

Much has been written about the balance of trade between nation and nation, and between one province and another; but most of the conclusions I have seen from the reasonings on that subject have been either very superficial, or altogether false. The authors almost perpetually misled by the notion of a mercantile balance, have stated one nation against another, like one finite arithmetical sum against another, where by continued subtraction on one side, and continued addition on the other, the difference at length becomes extreme. This is the universal error of Swift in regard to the relation between Ireland and Great Britain. The supplies of nature however are not finite, but infinite. It has been observed above, that all wealth originates from the soil; now as the soil is permanent, the supplies it yields are therefore perennial; consequently, though the provinces have the

the balance annually against them with the capital, yet from nature they annually receive a new supply of wealth. From whence I will draw a corollary, which, though it has not been commonly observed by political or commercial writers, will nevertheless be found to be a *true proposition*, "That one nation or one province, may have the general balance of trade perpetually against it with another nation or province, and, nevertheless, may increase in opulence and wealth annually;" and this is the actual situation both of Ireland and of the North American colonies, no part of the British dominions at present prospering more than the latter.

We may also from hence conclude, That it is a most false maxim, to say that we ought to seek no other profit from the colonies, but the extension of our trade with them. That this is a false maxim will appear from its being contradictory to the first and truest of all maxims, that taxation in order to be just, ought to be proportionably equal. Our trade has been extending with the American colonies annually for fifty years past; but that has been chiefly owing to the extension of their settlements, and to the augmentation of their numbers; for if new settlements were to cease, and their population remain the same for a number of years, our trade with them would certainly diminish from the supplies of manufactures, which they must in the very nature of things furnish to themselves. No idea can be more absurd, than to imagine, we shall suppose two, three, or four millions of people living in peace, in towns and villages, in a fer-

tile territory, and being supplied with shoes, stockings, hats, shirts, and every other article of wearing apparel, and of household furniture, by eight or ten millions of their fellow-subjects, living three thousand miles off\*. One may as well suppose the first four millions to be born without hands and arms, and to live in a country where there was neither timber, metals, flax, nor wool. Yet this, I acknowledge, was in the last century the Utopian idea of Sir William Petty, in some of his fanciful illustrations, when he aimed at proving, that England could carry on the foreign commerce of the whole world. The Dutch were then astonishing Europe by their sudden wealth, and foreign commerce became the popular cry of the times, and had the preference to all kinds of domestic or territorial improvement. This narrow and false system has still some deluded followers, who weakly believe that the great secret of political strength is to aim constantly at a monopoly of foreign commerce for the center of government, which may be truly affirmed to have on many occasions greatly weakened the political strength of the British nation. If the American colonists have within these thirty years doubled the number of their habitations, it cannot be supposed that during that short space of time they have had leisure to manufacture the various articles of furniture and clothing needed for those new families, who have been employed upon the most profitable of all occupations, that of the cultivation of land. But the

\* This was the wise system of our popular orator, who was for prohibiting the colonists from manufacturing a horse-shoe nail.

present course of trade between them and their mother country cannot, I say, be looked upon as a rule for future times, when new settlements will not be so frequent, and handicraft trades will have taken deeper root among them. Therefore to view the American colonists merely, or even chiefly, in the light of dealers or customers, serving to extend what is wrongfully called our foreign commerce, is a most false political maxim, leading to consequences directly opposite to those it would seem to promise.

The British Nation has no right to expect any thing more from foreign customers than the profits arising from its trade with them; but surely it has a right to expect something more from subjects, who, though by their mutual commerce, they certainly enrich the state; yet are considered by government as only enriching each other. How absurd then is the expectation of the Bostonians in their valedictory address to Governor Hutchinson, when they humbly hope, " That  
 " the policy of Great Britain will ever be such,  
 " as shall induce them to view every desirable  
 " benefit, which they can rationally expect to receive from their colonies, as founded in the  
 " principles of commerce, and not of taxation." This is precisely such a proposition as might be expected to be made to Great Britain by France or Spain, in an amicable treaty of commerce; but appears rather too ridiculous to be confuted when coming from subjects, who receive the protection of government; and are therefore bound in duty to support government. What should we think

think of the Newcastle traders to London, should they petition for an exemption from taxation upon the same principle? In order to mislead our judgements, in regard to the advantages accruing from this American commerce, we have been told over and over again, that the colonists *merely beggar themselves to enrich us; that they spin out their own bowels for us; that every thing they earn centers in Great Britain, &c. &c.* \* These sophistical and deceitful positions have been often repeated for ensnaring purposes; but, like every other argument advanced by the seditious, only serve to prove the unjustifiableness of their own conduct. Is the balance of the trade of the colonists with Great Britain one million annually in favour of the mother country, we are not from thence to conclude, that they give that million for nothing, that it is part of their own bowels, which their dutifulness makes them bestow upon their parent state? No; they actually receive penny-worths for it in furniture, utensils, clothing, &c. which their new settlements render necessary. The purchaser of an hundred pounds worth of goods has no right to say, that the merchant is an hundred pounds the better for him, when he receives goods to that value from the merchant. I would not by this be understood to infer that the American market is of small importance to Great Britain. On the contrary, I think the commerce between Great

\* It is affirmed in *the administration of the colonies*, ed. 4. p. 40.

“ That all the profits of the produce and manufactures of the colonies center finally in the mother country.” The author of that treatise has certainly too much good sense not to retract that proposition, which the least reflection shews to be false.

Britain and her American colonies, cannot be too much encouraged for the interest of both, and that it may become immensely beneficial to the state, tho' there should not be a mercantile balance in favour either of the mother country, or of the colonies.

Those who have written and harangued about the mercantile profits accruing to Great Britain from the American colonists, have always kept to the general proposition, more apt to lead into error, than to clear up any political truth. It may, therefore, be proper on the present occasion to discuss that point a little; and, the result of the examination will shew on which side the debt lies; and prove that a political balance, and a mercantile balance are two different things. I shall state the number of British subjects or colonists on the continent of North America at two millions, and their annual expence per head at four pounds ten shillings, or nine millions of pounds for the whole. It may be presumed that I rather under-rate, than over-rate the annual expence of the colonists, when we consider that Sir William Petty, an hundred years ago, rated the annual expence of the people of England, at 5*l.* an head. Now, whoever makes an estimate of the present rate of living of the English colonists in North America, and computes the marketable prices of their commodities in general, the rents of the lands in the inhabited spots, the house rents in their large towns, and the luxury of their cities, may conclude that living is but a small degree cheaper there at present, than it was in England an hundred

dred years ago, or about three times as cheap as it is in Great Britain at this period, where it may be proved with tolerable exactness, that the annual expence of the people is near fifteen pounds an head, things, in general, being tripled in their prices in this island; since the time that Sir William Petty's treatise was written \*.

From whence do the colonists draw this annual subsistence of nine millions sterling, but from their lands and fisheries; and who has conferred, and is daily conferring, upon them those lands and fisheries, but Great Britain? Have the colonists settled in the island of St. John since the late peace, bestowed the lands of that island upon themselves? Have they not received them from Great Britain, with all the rights of free subjects annexed to them, which, in a state of society, as has been above observed, can never imply an exemption from public burdens, in the manner, and in the degree that the supreme legislature of that society shall

\* I have been told, a member of parliament lately affirmed, that the landed gentlemen paid annually 14 s. in the pound of their rents in public taxes; which affirmation, argues the most profound ignorance of the principles and sources of finance. The national income, it is said, has lately been stated by another gentleman at fifty-eight millions; which would make the public taxes about 5 s. in the pound. The annual national revenue may, I think, be easily demonstrated to be above one hundred millions, which will make the public burdens in Great Britain little more than half a crown in the pound. If those two Gentlemen will favour the public with their demonstrations, I will produce mine. Were British subjects to live with that cordiality which they ought, the taxes might soon be lessened to 2 s. in the pound; and were the national debt annihilated, would not be 1 s. in the pound. But if trifling squabbles keep government in a state of warfare with those who ought to be living peaceable subjects to the laws, public expences must necessarily be augmented.

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think fit to impose them. What is here observed of the most recent and most inconsiderable of our American colonies, is equally true in regard to the most ancient and most considerable of them; which their charters, together with the history of their various settlements, most amply testify.

The American colonists, besides their annual subsistence of nine millions sterling, which their lands and fisheries yield them, have likewise drawn from the same funds another very considerable stock of wealth, which consists in their houses, mills, improved lands, stock of cattle, plate, household furniture, apparel, &c. This may justly be reckoned to be at present above an hundred millions sterling; which, considering the insensible waste and decay even of this stock, and the small accumulations that were made upon the first settlement of the colonies, will imply an annual augmentation of about three millions sterling for many years back \*.

Thus the colonists, from lands which they hold from Great Britain, have actually accumulated a mass of wealth, of above an hundred millions; besides an annual subsistence of nine millions, and a yearly increase of wealth of about three millions. For, I suppose, all the stocks in goods and cash, that have been carried from Europe by new settlers to North America, when put together, would

\* I do not insist upon the absolute accuracy of the above calculations, though I could adduce many reasons to shew that they are not far from the truth. The more or the less in these sums can only strengthen or weaken my argument to a certain degree; but cannot falsify it.

not amount to one million sterling. The colonists then are growing richer by three millions every year; but whence comes this superlucration of three millions, and how it is disposed of? Let us trace its rise and circulation. It is acquired like the other nine millions, from their lands and fisheries; and part of it is employed domestically, in improving their lands, augmenting their stocks, and adding to the number of their houses and settlements. Another part of it becomes a subject of foreign trade with the European West Indian settlements, and even directly with several European states; for, as the colonists do not limit themselves to their own products and manufactures, they, with part of them, purchase the manufactures and products of other countries that they want. By this traffic, let us compute that the colonists acquire a million sterling in the precious metals; this balance, or rather this barter, enables them to become purchasers at the market of Great Britain, for various goods and merchandises that they have occasion for from the mother country; and the million finally rests where it ought to rest, and be consumed, about the center of the state that produced it. From this the seditious advocates of the colonies have either ignorantly or sophistically concluded, that the American colonists are *merely toiling for the mother country, and that the fruits of all their labour center in Great Britain*; whereas it appears that it is hardly a twelfth of their income which they send to Great Britain; for which twelfth they actually receive a value in return; the merchandises they draw from Great Britain being as useful and as  
necessary

necessary to them, as the precious metals are to the British merchants. I allow that in their commerce with Great Britain, they are losers of the profits of trade, which rest with the British merchants; but should these even be thirty *per Cent.* it will make the pecuniary advantage accruing to the mother country from the commerce with the colonies about 300,000*l.* a year, or one fortieth part of the income of those colonies.

This balance, it may be presumed, will increase annually for many years to come; but should it rise to be three times, or even four times as great as at present, it appears from what is above written, that we ought to conclude from hence, Not that the colonies are more exhausted; but that they are become more opulent. Past facts strengthen the evidence of this conclusion; for the trade of the colonies with Great Britain is now three times as great as it was seventy years ago; yet every sensible person infers from thence, not that the colonies are three times as poor, but that they are three times as rich. We have seen that the annual balance accruing to Great Britain from America, amounts to about 300,000 *l.* but for these ten years past, the unproductive fund of military expence, has been drawing more than that sum annually from Great Britain to America; so that it would seem the colonies are receiving a counterbalance, or full equivalent, from their mother country for the balance of their trade with her. But I shall not insist on that equivalent, or counterbalance, as I hope that our present political system, in regard to that point, will not be of long continuance.

Such is then the state of the mercantile balance flowing from America to Great Britain; but have the colonists any exclusive merit to plead on account of that? Is it not according to the established course of nature, that the members should support the body?

Great Britain, by the lands she has acquired in North America, has afforded an asylum, and a rich property to two millions of people, many of whom, had they not enjoyed the easiness of living, which that large continent affords, would have dragged through life in distressful circumstances, and in celibacy; but now see themselves in opulence, and the parents of a numerous offspring, certain of a subsistence, if from nothing else, from the possession of new lands. The mother country has not been a niggard in the distribution of those lands, often giving as much for the yearly quit-rent of half a crown, as could not be purchased in Great Britain for 200, or 300 *l.* and has been resold in America for that money. She has also protected, and daily protects, the possessors of those easily acquired properties in the quiet and peaceable enjoyment of them, and may therefore be said to have been instrumental in giving existence to thousands, nay to millions, who would otherwise never had a being; and if liberty and property be means of happiness, has also afforded those new subjects the means of enjoying their existence with satisfaction.

The subjects in America then owe about twelve millions a year to the bounty and to the protection  
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of Great Britain; and yet they most ungratefully never take that into the account; but, forgetting what the colonists have got, and are daily getting, by Great Britain, they repeat without ceasing how much Great Britain gets by the colonists. Now it appears demonstrably evident, that the indulgent mother country has contented herself with one fortieth part of the income of the colonies, while the colonists, not satisfied with the secure enjoyment of the thirty-nine parts remaining, would fain disavow the obligation they have to the mother country for the landed property they possess in America, in defiance of the written evidence of the grants registered among them. I have ventured to recall to their minds that obligation, and to state it as simply and as clearly as I could to my readers, who may now judge on which side the debt lies, and whether the colonists do not profit above thirty times more by the mother country, than the mother country profits by them.

That Great Britain should acquire an extension of territory on the continent of North America, and not gain from it, would indeed be something surprising. That the British state should afford an occasion to her own subjects of acquiring wealth, and of multiplying and increasing, and yet be no gainer from such an increase of subjects, would be a system of misgovernment not to be paralleled. Does she now turn her attention to that object; and perceive that from the colonists bearing too little, their fellow-subjects in Great Britain are suffering too much, she certainly acts most equitably

tably and most politically in so proportioning the public burdens upon both, as to reduce the balance nearer to an equilibrium. A farmer in Great Britain that pays an hundred pounds a-year to his landlord, is often found to pay away more than one third of his income, and yet he thrives, and year after year, pays that hundred pound without ever receiving a farthing in return. How much more eligible, and how nearly independent is the situation of the colonist, who acquits all obligations of rent upon him for a fortieth part of his income; and who, if he will content himself with the products of his own solitary farm, and abstract himself from the refinements of life procureable from Great Britain, needs not even pay the half of that. The American colonists are almost universally proprietors of land; and every one knows upon what easy terms they have acquired those properties, terms so very easy, that their lands may rather be said to have been given them as a present, than sold to them by their mother country. Their lands in general yield them as rich products as those of Great Britain, and many of them much richer; and the demands upon them for public charges for their domestic concerns will be found to be trifling, in comparison of those of the mother country. So far then from the fruits of all their labour centering in Great Britain, the colonists are left in the free possession of more of them than equal justice to their fellow-subjects in Great Britain ought to allow. No wonder then that the ideas of independence, and exemption from taxation held up to people in distressful circumstances in this Island, and in Ireland, should induce

induce them to quit their most intimate friends and relations, and seek for settlements in a country where there are neither rents nor taxes. Such emigration may sometimes turn out to the advantage of individuals; but, while the colonists remain untaxed in a just proportion with their fellow-subjects, the state must be a loser by it; for she thereby exchanges so many *whole-subjects*, if I may be allowed the expression, for so many *half-subjects*.

In Great Britain the subjects labour for the state as well as for themselves; and they have a right to expect that their fellow-subjects in America should be under the same obligation. Is it at all reconcileable to common sense or equity, that the labouring hands, who are the strength of a state, upon leaving this island, and acquiring lands in America, should think themselves independent of the British Parliament in every thing regarding public contributions, while they still remain on British ground, and enjoy the protection of the British government? The moment an American colonist gets possession of a fertile tract of land, by a grant from Great Britain, for a trifling quit-rent, has he any right to cry out, "*All is now my own; I owe nobody any thing; I will not grant a farthing to the public expences but what I myself choose, or what a representative chosen by me shall give his consent to.*" Such a declaration, as has been demonstrated above, would be directly contradictory to the fundamental principles of the British constitution, no subject in Great Britain,

or in any part of the British empire, having the least right to pretend to any such claim.

The seditious Penſylvanian aſſembly however, in their rejection of the Conciliatory Propoſition made to them by two branches of the British Legiſlature, have the weakneſs and folly to lay it down as the principle upon which they found their rebellious reſiſtance, *That nothing is to be taken by Government from a free people by force, or extorted by fear.* I affirm that the British conſtitution never acknowledged any ſuch principle; and tho' they may quote Governor Pownal or Lord Camden for ſuch an opinion, I defy them to quote either Law or Reaſon in ſupport of it. Such a political maxim includes the following abſurdity, That the ſupreme authority has an uncontrollable Power in every inſtance, excepting in the moſt material inſtance, that of the defence of the ſtate. We in Great Britain, however know very well, that all taxing laws are compulſory laws, which do not infringe the *legal liberties* of Britons either in Europe or America; that the *ſalus populi* is the *ſuprema lex*; that in the arriere ban, the perſon who came laſt to the rendezvous was hanged; that the majority of the Saguntines never ſcrupled to burn the minority as well as themſelves, tho' in this laſt caſe, it was not the *ſalus populi* that was the object, but the *ſalus honoris populi*. Did this Penſylvanian whim of paying nothing to the ſupport of the ſtate but benevolencies, make a principle in the antient free commonwealth of Rome? Very far from it. In the Roman ſtate, To have *prædia cenſui cenſenda*, or  
taxable



taxable possessions, was the very thing that denoted a Freeman; and some persons who were not entitled to that character, stole the right of citizenship, by getting their possessions fraudulently put upon the taxing role. The *Slaves* indeed paid no taxes; but when a slave became rich, and could get his master's leave to pay taxes, that very act made him a Freeman. - On the other hand, whoever was convicted of giving in a false state of his possessions, in hopes of eluding a public tax, was publicly whipped and sold for a slave by order of the Consul, and all his possessions were forfeited to the state, and sold by the Censor.\*

As another apology for non-taxation of the colonies, we are told that emigrants passing from hence and settling there, still traffic with the parent state, who gains by their traffic. With whom, pray, ought they to traffic? If they had staid at home, they certainly would have trafficked with the parent state; but they would have been subject to taxes nevertheless. This circumstance the colonists seem perpetually to overlook, and think they acquit themselves as to all national supplies by the balance accruing to the mother country from their traffic with her; which balance, however, we have seen, affects but a very inconsiderable part of their income, but about a fortieth part. They have their domestic taxes, it is true; but these are so low that even, when added to the balance above-mentioned, they bear but a small proportion to the public burdens of the people of Great Britain, which amount to a full seventh of their income.

\* *Cicero de Topic. Dion. Halicarn. l. 5. Sigonius de antiquo jure Romanorum,*

In the petition presented to parliament, about seven years ago, by the colonists of New York, we meet with the following paragraph. “ That the  
 “ petitioners conceive the North American fishery  
 “ to be an object of the highest national importance; that nothing is so essential for the support  
 “ of navigation, since by employing annually so  
 “ great a number of shipping, it constitutes a respectable nursery for seamen, and *is so clearly advantageous for remittances in payment for British*  
 “ *manufactures*; that the petitioners therefore humbly presume, that it will be cherished by the  
 “ house with every possible mark of indulgence,  
 “ and every impediment be removed which tends  
 “ to check its progress.” No doubt, the very lucrative fishery, which the colonies enjoy on the coasts of North America, *is clearly advantageous for remittances in payment for British manufactures*; that is, it annually yields the colonists a fund to purchase necessaries. But would not that same fishery have the same enriching effect, were it to be prosecuted from the harbours of Great Britain, from whence we find it formerly was prosecuted; and would not all the seamen concerned in it on our coasts pay national taxes, as well as purchase British manufactures? Why then should the nation now reap but an half advantage from it, since it is still carried on by British subjects, though they have flitted to the west side of the Atlantic.

Sir Josiah Child, who carried a very penetrating judgement into national concerns, viewed the American fishery an hundred years ago in a very different light from that in which it is considered by  
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the colonists. I shall therefore contrast their sentiments with his; and I am persuaded every sensible reader will from thence conclude, that while the colonists are not subjected to a proportionable share of taxes with their fellow-subjects, they contribute rather to impoverish than to enrich the mother country by that fishery. Sir Josiah, speaking of the American fishery, says, " It is well known, " upon undeniable proof, that, in the year 1605, " the English employed two hundred and fifty sail " of ships, small and great, in fishing upon that " coast, and it is now (that is about the year " 1670) too apparent, that we do not employ " from all parts above eighty sail of ships.—If it " be the interest of all trading nations principally " to encourage navigation, and to promote especially those trades which employ most shipping, " then certainly it is the interest of England to discountenance and abate the number of planters at " Newfoundland; for if they should increase, it " would in a few years happen to us, in relation " to that country, as it has to the fishery at New " England, which many years since was managed " by English ships from the western ports; but as " plantations there increased, fell to be the sole " employment of people settled there, and nothing " of that trade left the poor old Englishmen; but " the liberty of carrying now and then, by courtesy or purchase, a ship-load of fish to Bilboa, " when their own New England shipping are better employed, or not at leisure to do it.—This " kingdom being an island, it is our interest not " only to have many seamen, but to have them " as much as may be within call in time of danger.

“ Now the fishing ships being only six months  
 “ absent, I appeal to the reader, whether such a  
 “ yearly return of seamen abiding at home with us  
 “ all the winter, and *spending their money here*,  
 “ which they got in their summer fishery, were  
 “ not a great access of wealth and power to this  
 “ kingdom, and a ready supply for his majesty’s  
 “ navy upon all emergencies.—Of all the Ame-  
 “ rican plantations his majesty has none so apt  
 “ for the building of shipping as New England;  
 “ and, in my poor opinion, there is nothing more  
 “ prejudicial, and in prospect more dangerous to  
 “ any mother kingdom, than the increase of ship-  
 “ ping in her colonies, plantations, and pro-  
 “ vinces. \*”

My readers will doubtless make their conclu-  
 sion from the comparison of these two representa-  
 tions of the benefits accruing to Great Britain  
 from the American fishery ; and, I believe, few of  
 them will be backward in acknowledging, that the  
 mother country in this instance, has rather pro-  
 moted the opulence of the colonists at the ex-  
 pence *of her own bowels*. But it is not in this  
 article alone, that the colonists are enlarging  
 their trade, and augmenting their wealth, rather  
 as rivals, than auxiliaries to the parent state,  
 while they stand exempt from an equality of  
 taxation with their fellow-subjects. This will  
 appear evident from the following reflection.

\* I could willingly have made a longer extract from this very ju-  
 dicious discourse of Sir Josiah Child upon plantations, which well  
 deserves to be considered by every person desirous of having true  
 ideas concerning them.

There

There are some parts of the British foreign territories that yield no corn, and yet consume of it annually to the value of near half a million sterling. Here then, one would think, Great Britain may have a sure market for half a million's worth of exports. No; she has thrown the balance against herself in behalf of her colonies, who annually export about 600,000*l.* worth of corn to the West Indies. Now the lands uncultivated, and but half cultivated in Devonshire and Somersetshire, could supply all that corn to the West Indies, which might be shipped from Exeter, Bristol, &c. but our heavy taxes have raised the rents of lands so much at home, that our farmers cannot enter into competition with the colony farmers, who pay neither rents nor taxes. Our agriculture therefore has one discouragement, which the French has not; for at this time, and for many years past, above forty mills at Tholouse, Montauban, and Moissac, &c. are constantly at work in grinding corn for the French sugar Islands, which descends the Garonne, and is exported from Bourdeaux, and consequently renders those islands in a manner doubly profitable to their mother country. Thus we see that our northern colonies possess both a lucrative fishery, and a corn trade, at the expence of Great Britain; for it is evident that she herself could carry on both these, having actually above a century ago been in possession of the former; and our lands, in the two counties above mentioned, requiring only the labour of the countryman to produce a surplus sufficient for the supply of our West Indies. It ill becomes the factious advocates of the colonists therefore to urge  
the

the mercantile balance accruing to great Britain from them, as a claim of merit in the colonists, when it appears that they, on the contrary, owe so much even in the mercantile way to the mother country.

But in all states it is not so much a mercantile balance, as a balance of liberty, and a balance of public burdens, that ought to be sought after. I am far from being so jealous of the effects of the increasing opulence of the colonists as Sir Josiah Child appears to be; therefore, should they bear their proportionable share of taxes, I should rejoice at every advantage they could procure to themselves, *not detrimental to their mother country*. They themselves ought not to desire more; but as we have daily instances of individuals, and even corporate bodies, prompted by the desire of gain to advance their partial interest, to the detriment of the interest of the community, it belongs to the general superintending power, and is even its duty, so to regulate the claims and privileges of each, as may best promote the public good, or the prosperity of the whole State. The people of England cannot but think themselves aggrieved to see colonists, whom they protect in the cultivation of a fertile country, which they have bestowed upon them, refusing to bear a share in the public burdens, and calling out for an exemption from the authority of the supreme legislature. This claim the colonists have been able to found upon nothing, but their own presumption, and an anticonstitutional interpretation of charters, while the simplest and plainest principles of government, historical facts,

facts, and the great laws of equity and expediency, all stand directly against them. Is it at all expedient to have twenty different wills in the same state? Would the East India company's affairs prosper better than at present, if instead of one set of directors, they had twenty different sets? Should there be twenty public clocks in the same city, would it not be most desirable to see them all going by the same regulator?

Suppose the colonists should say, we now find that we can afford to give amply; but we want that our own assemblies should regulate the public impositions, not only for the domestic purposes of each colony, but for the general defence. That is, you want to continue a perpetual cause, not only of murmuring and dissension, but of disorder and confusion; and I may add of weakness, the consequence of the others. While the supreme legislature has alone the direction, the *quantum*, or the sum total, regulates itself, by each individual's paying in his due proportion, and no farther. On the other hand, supposing the *quantum* left to the determination of the particular provinces, by what measure can it be justly regulated, unless the object and the mode of the imposition be the same throughout the whole, and in that case it is the same thing, as if the supreme legislature had solely ordained it. While the parent state pays in one manner, and one colony pays in another, and another colony in a third manner, the proportionable equality of taxation can never be so ascertained as to prevent some from believing, that they pay more than their neighbours, though perhaps they

they may be paying less. Laws of taxation therefore ought ever to be as comprehensive and as uniform as circumstances will permit. Were the *quantum* to be left to the determination of the colonies separately, we may guess how backward each would be to bring its *quota* up to the just proportion, from the following blundering sophism, which has often been repeated by those who have written against parliamentary taxation for the colonies, but which affords one of the strongest arguments for it. The colonists, who, when it serves their purpose, are perpetually considering their interests as different from those of the state, and as interests that ought to have the preference in their own estimation, have modestly urged, that a parliamantary tax upon the colonies was *unjust*, because forsooth it made those colonies liable to pay such charge for others, in which they had *no concern nor interest* \*. Again, should the parliament tax the colonies, it would be, *the partial advantage of Britain to their prejudice* †. The same absurd proposition has been repeated by others under a variety of forms; but let us see what it amounts to. The necessities of the state require a certain sum of money to be raised by a tax, and the parliament wishing to render the burden of it

\* See a letter in the Publick Advertiser of February 19th 1774, signed B. Franklin. This wondrous argument is exactly the same with that of the seditious people of Cornwall, in the reign of Henry VII. who said they had nothing to do with the payment of taxes for the defence of the marches in Northumberland; and assembling in a tumultuous manner, marched to Blackheath, within six miles of London, where they were treated as public enemies, and two thousand of them killed upon the spot.

† See the same letter.



as light as possible, ordain all the subjects to share in it. No, cry a part of these subjects to the other, raise it among yourselves, we will have nothing to do with it. Certainly here the suffering part might with justice reply to the other, If ye factiously and unjustly withdraw yourselves, our burdens will be the heavier. And this is precisely the case with the colonies and their mother country. The colonies, though the constitution never gave them that power, are by withdrawing themselves from taxation, actually taxing Great Britain without her own consent; that is, are forcing her to bear heavier burdens than she ought in a just proportion to bear. This mighty argument therefore we see is like a sword, that, instead of wounding the antagonist, wounds the bearer of it; and affords one of the strongest reasons that can be alledged, against suffering the colonists to take upon them to decide in the general concerns of the empire, which instead of three negatives in our constitution, would give us above thirty negatives. Thus the deputies unlawfully assembled at Philadelphia, have shewn us, that if they cannot succeed in their illegal purposes, they mean at one stroke to defraud the kingdom of the revenue of tobacco; which is the same thing as if they were to assume the privilege of laying a tax of 20 *per Cent.* upon all the productions of the sugar islands, or one shilling in the pound upon the land-rents of Great Britain. A minister, when the public supplies are under deliberation in parliament, may therefore say, "I intended this year to have proposed only 3s. in the pound land-tax; but the disloyalty of some of the

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" continental

“ continental colonies, renders 4s. in the pound  
 “ necessary; or 20 *per Cent.* upon the productions  
 “ of the fugar islands. The machine of state I ac-  
 “ knowledge has a very irregular motion; but that  
 “ is owing to the undue poize hung at the ex-  
 “ tremity of it by some factious spirits in North  
 “ America.”

The necessities of the state are, like other necessities, absolute. When a ship of war at sea is in hazard of perishing by a leak, would it be just or reasonable in one fifth, or one sixth of the crew, to refuse their assistance in pumping, even when the rest should appear exhausted by that fatigue; and would not the labour of those who wrought be augmented, exactly in proportion as the number of those who remained idle, increased. The colonies, and the people of Great Britain, are all embarked on board the same vessel; and it is equally the interest of all of them, that the vessel be properly navigated, and always in a state of defence. The whole crew cannot be taken to consult in the cabin; yet, *all able hands* ought to give their assistance, not each in his own manner, which would breed confusion; but all as the commanding power directs.

The factious part of the colonists, actuated more by a childish *amor soli*, than a true *amor patriæ*, selfishly judge of every act of government, as it affects their particular interests, and when the views of government don't coincide with their private views, they presumptuously determine that there is no obligation upon them to obedience.

ence: That is; the peace and welfare of the whole, according to them; must yield to the convenience of a small part. But the very end of the institution of all government; is to effect the reverse of this, and to make the convenience of particulars yield to the welfare of the whole; and as it is well known that obedience is not always voluntary, government is entrusted with such a force as to compel the refractory to a submission. An enacting authority includes a compelling force, and without the latter, the former would be of no avail. In Great Britain, two or three dissentient Lords may in a protest say, That a bill is *unjust, tyrannical, and subversive of fundamentals*; but that declaration will not excuse them from submission to the law once established by the majority of the legislature. Have any of those protesting Lords ever gone so far as the Bostonians, or as the Cornish men in the time of Henry VII. and said, *It shall not be, because we don't like it?* Had not government an all controuling force, we never should have had a national militia, nor turnpike-roads, nor a Blackfriars bridge, nor a Westminster Bridge, which two last are terrible encroachments upon the rights and privileges of the watermen of London, who I make no doubt would very soon demolish them if——*they durst* \*.

\* Such a demolition however would be a proof that factious individuals are often blind to the best interests of their own community; for had those two bridges been built two hundred years ago, it may be presumed, that double the present number of watermen would now find employment on the river Thames, as the capital, which is now very absurdly swelling out towards Mary-le-bone, would in that case have been built equally on both sides of the river, which would have been attended with many political and

As the British Government is as much supreme in all its dominions, as the Republic of Rome was in the dominions of that state, I shall here set before my readers, an example of vigour in the Roman Republic, which equally deserves the attention of our legislature, and of our colonists. The Roman colonies appear to have stood in the same relation to Rome, as the British colonies stand in respect to Great Britain. They were, according to the just expression of Governor Hutchinson, *parvæ effigies*, or small resemblances of the parent state, that is, they had their Duumvirs or consuls, and a senate for the management of their private concerns. But when those Roman colonists took it into their heads to act of themselves in the general concerns of the empire, let us see in what manner the parent state exercised her lawful authority over them. A few years after the commencement of the second Punic war, twelve of the thirty Roman colonies in Italy, under the pretence of being quite exhausted by the war, refused to furnish men and money against the common enemy; in which extremity the Consuls having in vain endeavoured to rouse their zeal, by desiring them to recollect, that they were not Campanians nor Tarentines, but Romans, applied to the senate in the following manner: “*Alias colonias in fide atque officio fore, eas quoque ipsas, qui ab officio decesserant, si legati*

civil advantages, besides that of greatly increasing the intercourse from bank to bank. The great city of Rome, thought the office of Edile extremely necessary; but we have only come the length of *Commissioners of pavements*; and leave our capital, now larger than Rome was before the times of the emperors, to be built like a camp pitched in the night, without any line or general order.

“ circa

“ circa eas colonias mittantur, qui *castigent* non qui  
 “ *precenter*, verecundiam imperii habituras esse.”  
 That is, they could assure the senate of the fidelity of eighteen of the colonies, and that, to those colonies who *had departed from their duty*, should commissioners be sent not to *entreat* but to *chastise* them, they would then learn to respect the supremacy of government. Accordingly, some years afterwards, the war still continuing in the heart of Italy, the senate decreed, “ That the magi-  
 “ strates, and ten of the principal men of each  
 “ of the refractory colonies, should be brought to  
 “ Rome; and that each of those colonies  
 “ should furnish double the number of troops  
 “ that they had ever before furnished, since An-  
 “ nibal’s entrance into Italy, which troops, should  
 “ be formed of the richest persons among the  
 “ colonists, and should be obliged to serve out  
 “ of Italy, wherever any recruits should be want-  
 “ ed; that those colonies should besides pay an  
 “ annual tax of *tria millia æris*; and for the future  
 “ be taxed according to the formulary, or rate  
 “ of the people of Rome, the amount of which  
 “ tax should be annually brought to Rome by  
 “ the sworn censores of each colony, before the  
 “ expiration of their office.” \* About thirteen

\* My readers will find this punishment more fully particularised in the words of Livy. Nihil prius referre consules passi, decreverunt, ut consules magistratus denosque principes, Nepes, Sutrio, Ardea, Calibus, Alba, Carseolis, Sora, Sueffa, Setia, Circæiis, Narnia, Interamna, (cæ namque coloniæ in ea causa erant,) Roman excierent, iis imperarent, quantum quæque earum coloniarum militum plurimum dedisset populo Romano, ex quo hostes in Italia essent, duplicatum ejus summæ numerum peditum daret, et equites centenos vicenos; si qua eum numerum equitum explere non posset, pro equite uno tres pedites liceret dare; pedites equitesque quam locuple-

years

years afterwards, in the beginning of the war against Antiochus, many able men of the maritime colonies being pressed on board the fleet, claimed the protection of the tribunes of the people. The tribunes referred them to the senate, who decreed, *vacationem rei navalis his colonis non esse*, those colonists are not to be excused serving at sea. *Livy ad an. 559.*

Though the colonists, I say, ought in duty to bear a proportionable share of all national burdens imposed by the Supreme Legislature, yet I would not be understood to mean, that they ought to bear an equal share with the subjects in England, as that would be in fact disproportionate. The great opulence towards the centre of government, enables the subjects who inhabit there to bear such taxes, as would be ruinous to the subjects in the remoter provinces ; but the smaller contributions of these last are brought near to a par with those of the others, by the absentee proprietors, who resort to the seat of empire, and by the balance of trade, which the center of the state generally receives from the extremities. The taxation of the colonies therefore, in regard to the national defence, may be reduced to the four following articles. 1. That the exports and imports in the

*tissimi legerentur, mitterenturque, ubicunque extra Italiam supplemento opus esset ; si qui ex iis recusarent, retineri ejus coloniarum magistratus legatosque placere ; neque si postularent senatum dari, priusquam imperata fecissent ; stipendium præterea iis coloniis tria millia æris, asses singulos imperari, exigique quotannis, censumque in iis coloniis agi ex formula ab Romanis censoribus data ; dari autem placere eandem quam populo Romano, deferrique Romam ab juratis censoribus coloniarum priusquam magistratu abirent. Livy ad an. 546.*

colonies

colonies should be brought as nearly as circumstances will admit to the same rates as those in Great Britain. 2. That no tax should ever be imposed upon the American colonies by parliament, without one of the same kind being imposed upon Great Britain, in a proportionable degree. 3. That the land-tax should be ever at the same rate both in the mother country, and in America. 4. That taxes on luxury, or sumptuary taxes, ought ever to be the same in both countries, under which class stamp-duties may very properly be ranged, independent of their great utility in regulating many domestic concerns.

The seditious faction among the colonists, doubting of the conclusiveness of the arguments alledged by them for an exemption from the authority of parliament, have had the blind folly to have recourse to menaces, which indeed have had the effect of confounding the minds of many weak people among themselves, though in general regarded with contempt in Great Britain. Intimations have been dropt, that the colonists, if their pretensions are not complied with, may perhaps separate themselves from the mother country. To this I reply, Doubtless they may whenever they please; but to do that they must first move off from lands belonging to their mother country. We have likewise been told, that the colonists are determined to defend their liberties with their lives. This I think a noble resolution, worthy of Britons, and the descendants of Britons. But who is invading their liberties? Obedience to laws consistent with the fundamental principles of the constitution, can never

never be an infringement of liberty ; but factious disobedience to those laws is actual rebellion. We have seen above, that no subject in the freest civilized state in the world can be absolute master of the whole of his property ; that the Governing Power of the State has a Right inherent in itself to demand some part of the subject's property ; and that the essence of a free subject consists in something else than giving his assent to a tax, namely, in his being governed by known and established laws, in his being tried by his peers, in his being exempt from arbitrary imprisonment, &c.

I would no more wish to infringe the legal liberty of the colonists, than I would wish to darken their sunshine ; but their actions of late have too clearly demonstrated, that what *they call English liberties* cannot be too quickly abridged. The absurd claims, avowed with so much insolence by the factious leaders at Boston, and the abstracted selfishness of their proceedings, declare most manifestly that it is not legal liberty they want to secure ; but that they have for several years past been seditiously aiming at unconstitutional independence ; and presuming upon the non-execution of the laws of their country, by which their actions stand condemned, they have vainly hoped to establish a tyranny of their own by violence, idly counting upon the whole strength of the colonists, to support proceedings, which are a grievance to every sober minded man in the colonies. Let us examine this strength of the colonies, which the factious leaders have so often boasted of. Great Britain possesses in America lands more than half as big as all Europe, extending along the sea-coast  
to



to a distance greater than from Denmark to Gibraltar; and in this wide extended country are two millions of people, twenty thousand settled in one place, twenty thousand in another, &c. Now were there but four millions, or even eight millions of inhabitants in all Europe, twenty thousand at the mouth of the Elbe, twenty thousand at the mouth of the Rhine, as many at the mouth of the Seine, of the Garronne, and of the Tagus, I ask what strength those four or eight millions could have? Let not him that putteth on his armour boast as he that putteth it off, it is a most wise and politic maxim. When the great civil war began in Ireland, there were nearly as many inhabitants in that island, as there are now British subjects in America; yet it has been computed that in the course of nine years the numbers of the Irish were diminished five hundred thousand by sword, famine, and desertion; and Cromwell, with but a small body of well-disciplined troops, could, if he had pleased, have made a desert of the whole island.

When the factious spirits among the colonists become diffident of their present strength, they urge their probable strength in future days; which has been so artfully exaggerated, as to make many people conjecture, that the time is at hand when the Continental Colonies will form of themselves one large State; nay, even that Great Britain and Ireland will become provinces of that continent. As others have taken the liberty of conjecturing, I will add my conjecture likewise; and I am firmly persuaded, that the period is very remote, when the colonies will become independent.

dent of the mother country, and that it is a period not to be wished for by them. Their population is augmenting at present very rapidly, from the facility of making new settlements ; but, as new settlements become difficult, which they will do, notwithstanding the expanse of country ; and, as their cities enlarge in size and luxury, and the handicrafts spread among them, marriages will not be so frequent, and consequently the increase of their population will proceed much more slowly. But, supposing the colonists forty, or even an hundred millions in number, it will be their happiness to live united with their mother-country, under the same laws, as such an union will give vigour to all their governments to maintain internal peace ; and there is certainly something pleasing in the idea of so many people living in perfect harmony in the enjoyment of plenty and security, when so small a proportion as a twentieth part of their annual income would suffice for public expences. If, on the other hand, the colonists shall, at any future period, disunite themselves from Great Britan, they will most assuredly, at the same time, disunite from each other. A Philadelphian will scorn to be in subjection to a Bostonian, or a Bostonian to a Philadelphian, &c. Mutual jealousies will soon oblige frontiers to be fortified, which would give occasion for heavy taxes and standing troops, the commander of which troops would soon rule without popular assemblies. The want of intercourse would in time occasion a diversity of language ; feuds and hostilities would succeed to tranquility and concord ; the *malviventi*, or ruffians, would find a refuge, and would multiply under daring leaders ; desolation  
would

would take place of population ; and the plains of America, once peopled and cultivated, would become like the plains of Hungary or the Ukrain, which, though void of inhabitants, are certainly not inferior in quality to the best lands in America. The colonies therefore ought ever to remember, that the parent state does not only protect them against foreign enemies ; but even protects them against each other. As to Great Britain, on the supposition of losing her colonies, who that knows she has maintained her independence for these thousand years past against the neighbouring millions of Europe, would doubt of her maintaining the same independence against millions more remote.

To the other futile arguments for the unconstitutional claims of the Bostonians, has been added that of the detriment that has accrued to Great Britain from their disobedience, as a motive of interest to our Rulers not to insist upon the just rights of legislation. We have been told, “ that  
 “ the colonists are all become smugglers ; that  
 “ their coast of 1500 miles in length bids defiance  
 “ to the watchfulness of sloop of war ; that the  
 “ colonists draw their tea and many other India  
 “ goods from the French, Dutch, and Danes ;  
 “ that French silks with them supply the place of  
 “ the manufactures of Spitalfields and Manchester  
 “ that 2,500,000 guineas for tea alone have been  
 “ paid by the colonists to foreigners within these  
 “ five years. Hence the English East India  
 “ company’s tea and other India goods are rot-  
 “ ting in their warehouses ; hence the sinking of  
 “ their stock, and the lowering their dividend ;

" hence the loss to government of the stipulated  
 " 400,000l. a-year; the severe blow suffered by  
 " credit in general, &c. &c."\* Such is the  
 alarming enumeration of evils flowing from the  
 factious disobedience of American subjects, from  
 whence their zealous advocate forms conclusions  
 to the following purpose: " Therefore let us alone  
 " to our own proceedings, which I have demon-  
 " strated to have been attended with so many pre-  
 " judicial consequences to Great Britain; with-  
 " draw all your Custom-house officers, and leave  
 " our sea-faring people to practise a trade followed  
 " in Europe by dishonest men and rogues." Is  
 this reasoning like a Philosopher, or like a Ring-  
 leader of sedition? The natural conclusion from  
 the above facts seems to be, Therefore let the  
 colonists no longer alone to their own proceedings,  
 which are contrary to law, and to the constitution.  
 Delay no time in putting an absolute check upon  
 their smugglers; who, for the sake of some dis-  
 honest gain, are throwing that wealth into the  
 hands of our rivals, that naturally belongs to  
 Great Britain. Double the number of Custom-  
 house officers on shore, and of sloops of war along  
 the coast, if the present number be found insuf-  
 ficient; and pursue every vigorous measure to  
 make those *lawless* people sensible, that while they  
 live in society, they must submit to *law*. They  
 seem to found their right to smuggling upon the  
 supposed facility of executing it along a coast  
 1500 miles in length; but they forget that the  
 coasts of Great Britain and Ireland exceed 2000  
 miles in length; which, however, does not pre-

\* See the Preface to the London edition of the votes and proceed-  
 ings of the town-meeting of Boston.

vent the unlawful traders from meeting with punishment, though perhaps not so often as they deserve it.

Having demonstrably proved that the parliament of Great Britain, as supreme legislator of the whole empire, has an inherent right of taxation over every British subject, wherever he inhabits, and that the American colonists, in being subject to that supreme power, are on the same footing of freedom with millions of their fellow-subjects in Great Britain, I shall conclude, in a few words, with mentioning the means of asserting that right, in such a manner, as to convince the refractory, that they will gain nothing by persevering in their disobedience. As the people in the colonies are in general rather misled than ill-intentioned, I believe, I have with these already used the most effectual means of asserting the Right of Parliament to taxation, in proving it to be altogether just and constitutional. But as there are others who will not be convinced, but by arguments of a different nature, I leave it to such to reflect upon the consequences to them, should the two houses of parliament, in imitation of the parliament of Queen Elizabeth, humbly represent to His Majesty that the charters of several of the American colonies are detrimental to the nation, and petition His Majesty to recal them, and grant others, as the late king William did to the colony of Massachusetts Bay, directly against the request of that colony; or how they would be affected should an act of parliament be made in this present session, enacting, *That all the drawbacks and bounties upon commodities exported to, or imported from the colonies,*  
shall

*shall cease; that every colonist shall be declared incapable of holding any place of profit or trust in Great Britain or Ireland; that no colonist shall be allowed the privilege of fishing upon the banks of Newfoundland, or any other coast of North America, or territory belonging to Great Britain; that the act in favour of the naturalization of foreign protestants settling in North America shall be repealed, and every person from Great Britain and Ireland settling in the colonies, be declared an alien, and incapable of being again naturalized without an express act of the British legislature.*

A law containing the above-mentioned clauses, but extending to those colonies alone who have refused obedience to the act, or acts of parliament, imposing a tax upon the colonies, would serve as a monitory to point out to the factious on what false ground they are standing; and such a law ought to remain in force till the legislator of each colony should, in the most express manner acknowledge, **THAT THE KING'S MAJESTY, BY AND WITH THE ADVICE AND CONSENT OF THE LORDS SPIRITUAL AND TEMPORAL, AND COMMONS OF GREAT BRITAIN ASSEMBLED IN PARLIAMENT HAD, HATH, AND OF RIGHT OUGHT TO HAVE FULL POWER AND AUTHORITY, TO MAKE LAWS AND STATUTES OF SUFFICIENT FORCE AND VALIDITY TO BIND THE COLONIES AND PEOPLE OF AMERICA, SUBJECTS OF THE CROWN OF GREAT BRITAIN, IN ALL CASES WHATSOEVER,** This noble declaration, did the colonists but see their own interests, ought to be regarded by them as a **NEW BILL OF RIGHTS** in their favour, against the pretensions of Prerogative. What else is expressed by it but, that the British parliament has the same authority in the American colonies

colonies, as in Great Britain; or rather, *that the British Colonies have as good a right to the protection and superintendence of parliament, as the subjects in Great Britain.* To the factious and seditious, I own, there is something alarming in this; but to those among the colonists, who prefer submission to legal government, subjection to a mob, or to mob-leaders, a greater anchor of security cannot be thrown, for the peaceable enjoyment of their lives, and all that is dear to them.

Should his Majesty, after such an acknowledgement on the part of the colonies, by and with the advice of his parliament, admit the Agent of each colony into the House of Commons, with a right of deliberating and voting, that is, with every right of a British representative, no harm, I think, could accrue to the Commonwealth from such an increase of members in that assembly; but the Legislative Body itself would not have from thence the smallest degree of Constitutional Authority, more than it has at present. But if no arguments of reason will prevail upon the factious colonists, then, indeed, the mother country must have recourse to the *ULTIMA RATIO, OR LAST REASON*, in maintenance of her just and natural Rights. Since the above was written, the Colonists have indeed rashly appealed to that argument; but what will be the consequence of the contest, may be judged of from the following remarks of two persons not ill acquainted with America. Dr. Franklin tells us, in his pamphlet upon the colonies, "That while our strength at sea continues, the banks  
" of

" of the Ohio (in point of easy and expeditious  
 " conveyance of troops) are nearer to London  
 " than the remote parts of France and Spain to  
 " their respective Capitals, and much nearer than  
 " Connaught and Ulster were in the days of queen  
 " Elizabeth;" who, I may add, was not deterred  
 by factious subjects at home, nor by Spanish ar-  
 maments abroad, from asserting the rights of her  
 crown, against the revolvers in Ireland, though  
 the exertive power of the state, in her reign, was  
 not one fourth of what it is at present. Governor  
 Pownal likewise, in his Administration of the Co-  
 lonies, observes, " That during general Wolfe's  
 " expedition against Quebec, if the French had  
 " had sense enough to have sent two ships of the  
 " line, with a frigate or two, and one or two  
 " bomb-ketches, they might have burnt Halifax,  
 " Boston, New York, or Philadelphia, without in-  
 " terruption." Such victories as these, however,  
 every lover of Great Britain, and of the Colonies,  
 would hold in abhorrence; and far from wishing  
 scenes of devastation, I should have been happy, if,  
 in the present dispute, the only victory had been  
 the victory of Truth. In spite of the efforts of  
 faction, She will at length shine forth, and bring  
 with her a solid Peace founded on the principles  
 of the constitution; one of the plainest of which  
 is, That it is the DUTY of every subject to con-  
 tribute to the Public Defence, according to the  
 Will of the Supreme Legislature.

F I N I S.